

ment employees, of Newport, R. I., protesting against imprisonment of certain Hindus in this country and demanding that their persecution cease; to the Committee on Foreign Affairs.

By Mr. CURRY of California: Petition of Liberty Parlor, No. 213, Native Sons of the Golden West, and Galt Parlor, No. 243, Native Sons of the Golden West, of California, opposing oriental immigration; to the Committee on Immigration and Naturalization.

Also, petition of Napa Parlor, No. 62, Native Sons of the Golden West, opposing oriental immigration; to the Committee on Immigration and Naturalization.

Also, petition of Hon. William D. Stephens, governor of California, urging an adequate tariff on foreign-grown beans; to the Committee on Ways and Means.

By Mr. GALLAGHER: Petition of St. Michael the Archangel Society, of Chicago, Ill., concerning Lithuanian independence; to the Committee on Foreign Affairs.

By Mr. JAMES: Petition of Baraga Council, Iron Mountain, Mich., opposing the Army taking over the welfare work at the various camps; to the Committee on Military Affairs.

By Mr. LINTHICUM: Petition of Public School Teachers' Association, of Baltimore, Md., indorsing the so-called Smith-Towner bill; to the Committee on Education.

Also, petition of Bishop John Hurst, of Baltimore, Md., favoring passage of House resolution 319 for an investigation of the race riots; to the Committee on Rules.

Also, petition of McCormick & Co., of Baltimore, Md., regarding the longshoremen's strike; to the Committee on the Judiciary.

Also, petition of Charles S. Baldwin, of Baltimore, Md., supporting the Myers bill prohibiting the experimentation on living dogs; to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of the Philadelphia Board of Trade, urging the passage of the export finance bill, amending the Federal reserve act; to the Committee on Banking and Currency.

By Mr. RAKER: Petition of D. D. Ferguson and Mrs. D. Ferguson, of Portola, Calif., protesting against Senate bill 2906; to the Committee on Interstate and Foreign Commerce.

Also, petition of S. H. Tyler & Son, Sanborn, Vail & Co., and H. M. Heinemann Sons, all of San Francisco, Calif., opposing House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of Big Valley Parlor, No. 211, Native Sons of the Golden West, of Bieber, and Dolores Parlor, No. 208, Native Sons of the Golden West, of San Francisco, both in the State of California, urging prohibition of immigration from oriental countries; to the Committee on Immigration and Naturalization.

Also, petition of California Club, of San Francisco, Calif., favoring preservation of suitable acreage in the Sequoia forests in California; to the Committee on Agriculture.

Also, petition of Shasta Water Co., of San Francisco, Calif., favoring the Dallinger bill to prohibit the exportation of sugar; to the Committee on Interstate and Foreign Commerce.

Also, petition of Western Forestry and Conservation Association, of Portland, Oreg., urging sufficient appropriation for proper attention to forest experiment stations; to the Committee on Agriculture.

Also, petition of California Joint Stock Land Bank, of San Francisco, Calif., protesting against any attempt to weaken the farm-loan act; to the Committee on Agriculture.

Also, petition of Fageol Motors Co., of Oakland, Calif., indorsing House bill 9412; to the Committee on Military Affairs.

Also, petition of Fageol Motors Co., of Oakland, Calif., indorsing Townsend good-roads measure; to the Committee on Roads.

Also, petition of California Retail Grocers' and Merchants' Association, protesting against House bill 8315; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL of Wisconsin: Petition of eight Lithuanian organizations of the city of Kenosha, Wis., requesting official recognition of the independence of the Lithuanian Government; to the Committee on Foreign Affairs.

By Mr. ROWAN: Petition of L. D. Gardner, of New York, favoring passage of the Air Service appropriation; to the Committee on Appropriations.

Also, petition of the Wholesale Coal Trade Association of New York, presenting facts pertaining to the present coal-strike crisis; to the Committee on the Judiciary.

Also, petition of Julian Loebenstein, favoring universal military training as prescribed by the Kahn-Chamberlain bill; to the Committee on Military Affairs.

SENATE.

THURSDAY, November 6, 1919.

(Legislative day of Monday, November 3, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Hitchcock	Myers	Smith, Md.
Brandegee	Johnson, Calif.	Nelson	Smith, S. C.
Calder	Johnson, S. Dak.	New	Smoot
Capper	Jones, N. Mex.	Norris	Spencer
Chamberlain	Jones, Wash.	Nugent	Sutherland
Colt	Kellogg	Overman	Thomas
Curtis	Kendrick	Page	Townsend
Dial	Keyes	Phelan	Trammell
Dillingham	Knox	Pittman	Underwood
Edge	La Follette	Polindexter	Wadsworth
Elkins	Lenroot	Pomerene	Walsh, Mont.
Gay	Lodge	Ransdell	Watson
Gerry	McCormick	Reed	Williams
Gronna	McCumber	Robinson	Wolcott
Harris	McLean	Sheppard	
Harrison	McNary	Smith, Ariz.	
Henderson	Moses	Smith, Ga.	

Mr. DIAL. I wish to announce that the junior Senator from Arkansas [Mr. KIRBY] is absent on official business.

Mr. CURTIS. I desire to announce that the Senator from Maryland [Mr. FRANCE] and the Senator from Maine [Mr. FERNALD] are absent on official business.

Mr. GERRY. I wish to announce that the Senator from Colorado [Mr. PHIPPS], the Senator from Massachusetts [Mr. WALSH], the Senator from Iowa [Mr. KENYON], and the Senator from South Dakota [Mr. STELLING] are absent at a meeting of the Subcommittee of the Committee on Education and Labor. I wish also to announce that the senior Senator from Alabama [Mr. BANKHEAD] is detained from the Senate by illness and to announce the absence on official business of the Senator from Arizona [Mr. ASHBURST], the Senator from Florida [Mr. FLETCHER], the junior Senator from Tennessee [Mr. MCKELLAR], the Senator from Arkansas [Mr. ROBINSON], the Senator from Virginia [Mr. SWANSON], and the Senator from North Carolina [Mr. SIMMONS]. The Senator from Utah [Mr. KING], the Senator from Oklahoma [Mr. GORE], the senior Senator from Kentucky [Mr. BECKHAM], the junior Senator from Kentucky [Mr. STANLEY], and the senior Senator from Tennessee [Mr. SHIELDS] are absent on public business.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

RETURN OF MORTAL REMAINS OF AMERICAN SOLDIERS.

The VICE PRESIDENT. As in legislative session, and in accordance with House concurrent resolution 36, adopted yesterday, for the appointment of a joint committee of the two Houses to represent the Congress at the port of New York on the arrival of the steamship *Lake Daraga*, on or about November 9, bearing the first bodies of the American soldiers from the fields of the World War, the Chair appoints as the Senate members thereof Mr. WADSWORTH, Mr. CHAMBERLAIN, Mr. NEWBERRY, Mr. BECKHAM, Mr. MCCORMICK, and Mr. POMERENE.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 3379) to establish the Utah National Park in the State of Utah; to the Committee on Public Lands.

A bill (S. 3380) granting a pension to Frances D. Miller; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3381) for the relief of Gertrude Lustig; to the Committee on Claims.

A bill (S. 3382) to authorize the Secretary of War to transfer to the Chief of Engineers, United States Army, for the execution of civil works, surplus property pertaining to the Military Establishment;

A bill (S. 3383) to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Public Health Service;

A bill (S. 3384) to provide for burial and transportation of remains of certain officers and enlisted men of the reserve forces of the United States;

A bill (S. 3385) to authorize the War Department to restore the Chickamauga and Chattanooga National Park to its condi-

tion prior to use for military purposes during the war with Germany, and to appropriate the necessary funds therefor;

A bill (S. 3386) to provide for the assistance of civilian aviators in distress by authorizing the Secretary of War to sell at cost price at aviation posts or stations gasoline, oil, and aircraft supplies to persons in charge of civilian aircraft landing upon or near said posts; and

A bill (S. 3387) for the relief of dependents of Lieuts. Jean Jagou and Fernand Herbert, French military mission to the United States; to the Committee on Military Affairs.

By Mr. ELKINS:

A bill (S. 3388) granting an increase of pension to Lydia M. Fleming; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3389) for the relief of Thurman A. Poe; to the Committee on Claims.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LA FOLLETTE. Mr. President—

Mr. MYERS. Will the Senator yield to me for a short statement in the nature of a question of personal privilege?

Mr. LA FOLLETTE. I would be very glad to yield to the Senator. How much time will the Senator occupy?

Mr. MYERS. Two or three minutes.

Mr. LA FOLLETTE. Certainly, I will yield.

Mr. MYERS. I thank the Senator.

I notice in this morning's Washington Post that the account of the Senate proceedings of yesterday on the proposed amendment to the peace treaty offered by the Senator from Wisconsin [Mr. LA FOLLETTE] contains this statement:

Prior to the vote Senator MYERS, Democrat, announced that he would support both the La Follette amendment and the amendment, still pending, of Senator GORE, which stipulates a referendum to the people before engaging in war.

That statement is true in so far as it says I announced that I would support the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE]. I not only announced that I would support it, but I voted for it. However, I did not say that I would support the amendment offered by the Senator from Oklahoma [Mr. GORE] to refer to a vote of the people the question of making a declaration of war. I made no reference to that amendment. I do not intend to vote for it and never have intended to vote for it.

Ordinarily I pay no attention to mistaken statements in newspaper accounts about my part in the Senate proceedings, because now and then mistakes unintentionally occur about some Senator, and ordinarily they are of no consequence. I assume, of course, and am very sure that this was just an unintentional mistake on the part of the reporter. Probably he was not here when I made my remarks.

This, however, is of some consequence to me. I do not want, without denial, to be portrayed to the public as in any manner a pacifist, to any degree or any extent whatever. If there is one thing in the world which most emphatically I am not it is a pacifist of any kind or character. I would not under any circumstances vote to refer the question of a declaration of war to the people of the country. I think it would be absurd. The Constitution makes the Congress the judge of that, and I think the Congress should discharge that duty without shrinking or shirking. If Members of Congress feel that they are not capable of doing it, they should resign and let their constituents elect other Members who will discharge that constitutional duty.

I voted yesterday for the amendment of the Senator from Wisconsin, but I do not know that I shall vote for any other amendment to the peace treaty. I have no intention of voting for any other. I intend to vote for the reservation offered by the Senator from Utah [Mr. KING] to withhold our assent from Part XIII of the peace treaty, but I do not know whether or not I shall vote for any other reservation. I have just now no intention of voting for any other. It is only in the last few weeks that I came to the conclusion to vote for the amendment offered by the Senator from Wisconsin. It is only in the last few weeks that I have come to the conclusion that it would be for the best interests of this country and the world to strike Part XIII from the peace treaty or reserve it from our ratification of the treaty.

Had the radical element which appears now to dominate organized labor in this country not come out in the open and disclosed its purpose so soon, I should probably not have voted for the amendment of the Senator from Wisconsin, but I could not but do so under existing circumstances as I now see them.

In this connection, I will say that I am well pleased with the reelection of Gov. Coolidge, of Massachusetts. There are some things which are above party. Among them are the maintenance

of the American Republic, the upholding of law and order, the protection of organized society, and the defense of stable government. When my party comes out clearly, fairly, candidly, firmly, openly, and aboveboard and declares for those things, it has my earnest wishes for success. If it has the opportunity to do so and does not, it does not deserve success; neither would any other party under like circumstances.

Mr. KNOX. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. LA FOLLETTE. I do.

Mr. KNOX. Mr. President, with the consent of the Senator from Wisconsin, I should like to send to the desk a brief, simple, and general reservation to America's ratification of the treaty of Versailles and its league of nations, which I propose to the pending treaty; and I ask the indulgence of the Senate for 5 or 10 minutes in order to explain the purpose of the reservation.

Mr. LA FOLLETTE. I yield to the Senator for that purpose.

Mr. KNOX. I ask to have the proposed reservation read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Resolved, That the Senate of the United States unreservedly advises and consents to the ratification of this treaty in so far as it provides for the creation of a status of peace between the United States and Germany.

Resolved further, That the Senate of the United States advises and consents to the ratification of this treaty, reserving to the United States the fullest and most complete liberty of action in respect to any report, decision, recommendation, action, advice, or proposals of the league of nations or its executive council or any labor conference provided for in the treaty, and also the sole right to determine its own relations and duties and course of action toward such league or toward any member thereof, or toward any other nation in respect to any question, matter, or thing that may arise while a member of such league, anything in the covenants or constitution of such league or the treaty of Versailles to the contrary notwithstanding, and also reserves to itself the unconditional right to withdraw from membership in such league and to withdraw from membership in any body, board, commission, committee, or organization whatever set up in any part of the treaty for the purpose of aiding its execution or otherwise, effecting by such withdrawal as complete a release of any further obligations and duties under such treaty as if the United States had never been a party thereto. It is also

Resolved further, That the validity of this ratification depends upon the affirmative act of the principal allied powers named in the treaty of peace with Germany approving these reservations and certifying said approval to the United States within 60 days after the deposit of the resolution of ratification by the United States.

Mr. KNOX. Mr. President, the only purpose and effect of this reservation is to make the United States a consulting member of the league of nations; to put the United States in the league, in principle, without making us an integral part of the league in all its complicated detail and in all its perilous and questionable obligations; to put the United States in position to exert its influence or not when and for whatever purpose this Nation may or may not deem it good to do so through the league; to put the United States in touch with the league, but to prevent the United States from being interned or interred in the league; and to avoid the pretense of undertaking to do things which we should, we all know, be unable to do without alike violating the Constitution of the United States and doing violence to the will and the very nature of the American people.

This war found us in a situation where we were free to serve the world and to stand up for international right. We did so. I hope we may ever do so.

Be it remembered that it was precisely as a consulting member of the alliance, and bound only by the national conscience, that America brought her military power and her vast resources to the aid of those who fought for right, and by doing so brought victory in this war. If we can carry on war as an independent member of an alliance, may we not carry on peace as an independent member of a league? It is no strange policy that I propose, no heartless aloofness from world affairs. It was by being faithful exactly to the policy I now advocate that America had become great enough to bring victory. It was in adhering to this very policy that America did, when the test came, bring victory and save the world.

To declare, as I have before suggested, that "if a situation should arise in which any power should, directly or indirectly, menace the freedom and peace of Europe, the United States would regard such situation with grave concern as a menace to its own freedom and peace, and would consult with other powers affected, with a view to concerted action for the removal of such menace," is but to generalize as a policy what has been the specific action of America. On no great occasion could America be asked to do more for the world. Under no league could America do more for the world than she has done by the guidance of her own conscience. Declared or not, the above is the approved policy of America. With or without any relation

whatsoever to the league, American diplomacy can stand upon that policy. By becoming a consulting member of the league, the league, too, becomes available to us for the maintenance of that policy. On great occasions America will not be found wanting. By little occasions it is far better that America be not distracted from her real work, that the energy needed for national progress be not dissipated in internationalism.

It is as a consulting member of the league, free and true to ourselves, that we shall best serve America and that we shall best serve the world. As a consulting member of the league we shall be able to use its machinery for every good purpose; we shall not be imperiled of being ground and destroyed in the cogs of that machinery.

By becoming a consulting member of the league I wish to see America do a great part in service to the world. By becoming more, America would stultify herself for the service of right in the world and would at the same time put in jeopardy her own precious heritage.

Not under any circumstances would I sacrifice the spirit, the character, the nationalism of America, or the Constitution and the institutions that have bred America's manhood and womanhood. If we plunge America into this welter of internationalism we shall destroy America, and, in the name of good to the world, we shall make our country incapable of good either to the world or to ourselves.

As a consulting member of the league we shall do our full duty to the rest of the world. We shall be free to turn calmly to the great problems we have to meet here at home. Free and untrammelled, with safe frontiers, America's task is to perfect America's own national life in America's own way. Only so can America—North, South, East, and West—the America we all love, endure. Only so can America irradiate an ever higher influence in the world.

Internationalism would destroy us at home. Nationalism will save us at home. If there is anything through which we can do good to the world it is our Americanism. If we sacrifice our Americanism we destroy America. If we sacrifice that distinctive thing we destroy the hope that the world has in America. We are the salt of the earth, and for the earth "Salt is good; but if the salt have lost his savour, wherewith shall it be seasoned? It is neither fit for the land, nor yet for the dunghill; but men cast it out. He that hath ears to hear, let him hear." Thus spoke the Savior of mankind, and, to paraphrase another divine expression, What will it profit America to gain the world and lose its own soul?

Mr. LA FOLLETTE resumed and concluded the speech begun by him yesterday. The speech entire is as follows:

November 5, 1919.

Mr. LA FOLLETTE. Mr. President, the Constitution provides that the President of the United States shall have "power by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur."

That this constitutional provision was disregarded by the President in making the treaty now before the Senate for concurrence can not successfully be denied. Had the President obeyed the Constitution in making this treaty by and with the advice of the Senate, the treaty would have been so framed as to have embodied the views of the Senate as well as those of the President, and whenever the treaty came to the Senate for formal action its early concurrence therein would have been a foregone conclusion.

Through the interchange of views between the President and the Senate contemplated by the Constitution while the treaty was in the process of making, differences of opinion, if any, would have been discovered and reconciled in the legal, orderly course of procedure commanded by the Constitution. In such interchange of views neither party would have had an advantage over the other. Under such procedure the President and the Senate would have been equally free to consider the proposed treaty on its merits, and neither could have been coerced into surrendering honest convictions as an alternative to abandoning the treaty. This, sir, is the rational procedure ordained by the fathers in their wisdom when they framed our Constitution.

It has been asserted here and elsewhere that business is stagnant, prices exorbitant, labor and capital unsettled and resentful, and industrial conditions alarming in the extreme, because this treaty was not at once concurred in and duly ratified. Such a statement wholly ignores the real cause of the grave industrial situation which confronts us; but if it were true in any sense that the nonconcurrence in the treaty up to the present time contributed in any degree to the present industrial unrest, then, sir, the responsibility for that situation rests upon one man, and that man is the President of the United States. For it is his departure from the letter and spirit of the Constitution

in the making of the treaty that has led the Senate to spend months in its consideration, and may result in its final rejection.

I do not know why the President in making this treaty refused to obey the plain mandate of the Constitution, and refused to follow the precedents established by the great Presidents Washington, Adams, Jefferson, Jackson, Lincoln, Grant, and others who sought and received the advice of the Senate in all stages of treaty making where they felt that they were dealing with questions which were vitally important to the country upon which the opinion of the Senate should be taken.

If, sir, the President had in mind and expected that there would be written into this treaty covenants and provisions which more than a third of the Senate might feel impelled, under their oaths, to reject, had they been advised with while the treaty was being framed, then the conduct of the President is easily understood in refusing to advise with the Senate while the treaty was in the making. If before the negotiations were complete the Senate had advised the President that it disapproved of certain articles, there would have been no excuse for the President to incorporate such articles in the treaty; and if, nevertheless, they were incorporated and written in the treaty and the treaty rejected on account of them, the record would then have fixed the responsibility upon the President.

When he placed the treaty before the Senate, however, the whole situation was changed. Then he knew that many Senators strongly opposed to the terms of the treaty on principle would be constrained, as we daily and hourly have witnessed from the lips of Senators that they are constrained, to accept it and concur in it, though they regarded it as a menace to our peace if not to the very existence of constitutional government.

Mr. President, there is so much in this treaty hostile to American interests and destructive of American ideals, so much of iniquity and spoliation that violates national honor and challenges American resentment, that Senators have directed their attacks solely upon these odious provisions of the treaty. In so doing I venture to say that they ignore that which is even more important than the treaty itself: They have permitted to pass unchallenged the illegal and unconstitutional manner in which the treaty was framed.

It has been almost a daily occurrence in this debate for one Senator after another to arraign and condemn important provisions of the treaty and then surrender his judgment with the concluding statement that he was constrained to vote to concur in it, to the end that we might as soon as possible conclude some sort of a treaty of peace.

A treaty so framed and concurred in does not represent the judgment of the Senate, in conformity with the Constitution.

It was to guard against such an event that the framers of the Constitution provided that the President should advise with the Senate in making all treaties. If this be not the plain meaning of the Constitution, then the words "by and with the advice" of the Senate have no meaning at all. After a treaty has been signed and sealed in secret without the advice of the Senate and is then presented for concurrence there is no longer anything to advise with the President about. The work is complete. The treaty has been framed. Presumably every article in it has already received his careful consideration and his approval, and his signature has been affixed to the document. The same thing, sir, is true of the representatives of some 30 other nations, signatories to the treaty, gathered from all parts of the world. When the treaty comes to the Senate it is true that the Senate still has the technical right to concur in it, even to reject it.

But that is only one-half of the constitutional duty of the Senate in making treaties. The provision of the Constitution that the treaty shall be made with the Senate's advice is just as mandatory as that it shall be concurred in by two-thirds of the Senators present before it can become effective.

Mr. President, let us look more closely at this construction of the provision of the Constitution.

What has the Senate really to do with making a treaty of peace?

Does the Constitution lodge in this body the express right to participate in the making of a treaty?

Has the Senate any duty to perform other than to "consent," or refuse to consent, to a treaty after it shall have been completed, signed, and submitted to this body by the President?

Article II, section 2, of the Constitution provides:

He—

The President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

Note well the language of the Constitution.

The words "by and with the advice and consent of the Senate" immediately follow the words "he shall have power."

They limit, modify, and restrict the power of the President in the act of making a treaty the moment he begins to exercise that power.

The framers of the Constitution used words with accuracy and exactness.

The only meaning of the word "by" given in any standard authority which could aptly apply to the text is "through" or "according to." The use of "with," upon all authority, signifies association, conjunction, alliance, assistance, harmony. As Webster states it, "association in respect of accompaniment, conjunction, interaction"; "association by way of alliance"; "association by way of simultaneousness"; "association in respect of sphere of jurisdiction."

And what is the obvious meaning of the word "advice"?

It means "to counsel; to give an opinion recommended as worthy to be followed."

But when should "advice" and "counsel" be sought? When as to the making of a treaty should it be given?

Manifestly it should be given, if at all, when it would be most effective; while the scope and terms and covenants of the treaty are being formulated, while the minds of those directly engaged in making the instrument are most open to receive "advice" and "counsel" "worthy to be followed."

It is idle to say that the Constitution means that the President should advise with the Senate after the treaty has been put in final form, and has been duly signed by the accredited delegates to the peace conference.

That is not the meaning of the language of the Constitution. Its plain terms deny any such construction. If that were the meaning of the Constitution, then the words "by and with the advice and consent of the Senate" would have been left out altogether, and the section would have simply provided that the President shall have the power to make treaties, provided two-thirds of the Senators present concur. And, sir, if that were the language of the Constitution, if there had been eliminated the provision which, with much thought and consideration, as I shall show, was put in by the constitutional convention—"with the advice of the Senate"—if those words had been eliminated and it was simply provided that "the President shall have the power to make treaties with the concurrence of the Senate," even that language would have been sufficient to require a right-minded President, who desired to consult the country's welfare, and not merely his own arbitrary will, to confer with the Senate during the making of a treaty, lest the Senate, at the last moment, might withhold its consent from a treaty so momentous in the making of which it had no part.

But the framers of the Constitution wisely did not leave the matter there. It makes the "advice" of the Senate just as much a necessary part of the framing of the treaty as it makes the "consent" of the Senate necessary to its final execution.

But go a step further. What is it the President shall have power to do "by and with the advice and consent of the Senate"? Why, "he shall have power, by and with the advice and consent of the Senate, to make treaties."

"To make," according to all authority, is "to create," "to frame," "to construct."

What better word could have been chosen to express the purpose and intent of the framers of the Constitution?

It puts the "advice," the "counsel," of the Senate into every act of the President, after he shall have opened the negotiations, in making, framing, and constructing the treaty, from the beginning to the end, from its inception until its completion.

The President violates the strict and literal mandate of the Constitution, as well as its spirit, when he makes, frames, and constructs the treaty without advice and consultation with the Senate.

It is too late for the advice to be effective after the treaty is made and signed and passes out of his hands and into the possession of the Senate.

It is no answer to say that the Senate can then amend the treaty and refuse to concur in it unless the amendments are accepted.

True, they have that power, but the conditions then operate to deprive them of that freedom of judgment which the Constitution intended to confer upon them as an unconstrained aid in perfecting that instrument.

Why, Mr. President, we have daily, almost hourly, manifestations of that fact. It is perfectly apparent that there is a majority of Members of the Senate here who feel that they can not exercise their independent judgment on the provisions of this treaty as they would have been able to do if they had been advised with while the treaty was in the making, as was provided by the men who framed the Constitution.

Mr. HITCHCOCK. Mr. President—

Mr. LA FOLLETTE. If the Senator will pardon me, I prefer to go on with my argument, which is close-knit. I shall be glad to have the Senator make notes upon it and question me when I get through.

Mr. HITCHCOCK. I have not any desire to do so, because it is only at this point—

Mr. LA FOLLETTE. But just at this point the Senator can make his notes.

Mr. HITCHCOCK. The Senator declines to make them.

Mr. LA FOLLETTE. And then he can question me when I get through.

Mr. HITCHCOCK. Oh, no.

Mr. LA FOLLETTE. That is the orderly way of making an argument in court, or in any other place excepting in the Senate. The Senate debates have degenerated into quilting-bee conversations.

Mr. HITCHCOCK. Mr. President—

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. LA FOLLETTE. No, Mr. President; I do not yield. I will proceed with this argument as I have prepared it, and the Senator can question me when I get through, and I shall be glad to answer him.

To amend the treaty at that stage—that is, after it reaches the Senate—and the Senator ought to be able to see that there should be no interruption at this point, from the context of what I am saying—to amend the treaty at that stage would subject the Senate to the charge of delaying and, it may be, altogether defeating the ratification of the treaty.

What is this curious atmosphere that surrounds the gentlemen who are known on this side of the Chamber as mild reservationists? It is an atmosphere that is impervious to argument. They fear to take the responsibility for the delay necessary to perfect it by amendment, and that is exactly what the Executive anticipated.

Of course, I can understand the psychology of the mild reservationists in this body. They reason that if amended this treaty must go back to the President. If his mind has become set and fixed as to its terms—and who doubts that it is somewhat set and somewhat fixed? [laughter]—he may deadlock the whole proceeding by refusing to transmit it with the proposed Senate amendments to the other high contracting parties. If he does transmit the treaty as amended by the Senate to the other governments concerned, it is at that late day certain to cause friction and delay, which may in the end result in the failure of the treaty. I take it, Mr. President, that that is what troubles so many of the Senators who do not like the terms of this treaty, who, if they could have been consulted as parties to the contract, as was provided by the framers of the Constitution, would quickly have voted to change certain provisions; but they are constrained by the circumstances which surround us at this hour. It seems to me that that is exactly what the President of the United States contemplated; that he contemplated that he was in a position to control and completely coerce the Senate of the United States and annul that provision of the Constitution.

The possibility of this outcome may well have the effect to coerce the Senate into accepting a treaty containing provisions of doubtful meaning or omissions of great importance to our Government, or into yielding and reluctantly concurring in a treaty some of the covenants of which may even contain the germs of national disaster.

Never before in the history of this Republic were we party to the making of any treaty of such far-reaching influence upon the destiny of this Nation, the freedom and happiness, the weal or woe of our own people, as that which was made at Paris, without the advice of the Senate, and which is now before us for concurrence.

Any President with a due regard for the awful responsibilities involved in this undertaking ought to have welcomed counsel and advice. Certainly he should have been the last to deny participation, at every step of the proceedings, as the terms and conditions were being wrought out line by line, to the United States Senate, which is specifically named in the Constitution as a part of the treaty-making power. And he should have been ready to accord, not a reluctant, narrow, technical compliance with the letter of that constitutional provision, but he should have extended a cordial and prompt hospitality to all advice and counsel from the Senate within the broadest conception of the spirit of the Constitution.

What would be said of a President who, while in France conducting the negotiations for this treaty, deliberately refused, if the Senate had been in session, to receive communications and advice from the Senate concerning those negotiations?

Could there be any doubt in anyone's mind that there would be but one answer to make to such an abuse of power by the Executive? Yet how would this conduct differ in effect from that by which the Executive just as effectively stopped his ears and closed his mind to the advice of the Senate by refusing to convene that body in session while this treaty was in the making?

I turn aside for a moment, Mr. President, to consider the evolution of the President.

Prior to his becoming a candidate for governor of New Jersey, Woodrow Wilson was known among those who were at all familiar with anything he had written as a pronounced reactionary. However, a short time before he essayed to enter politics he announced a radical change in views and became a very ardent advocate of liberal, progressive democracy.

But President Wilson in 1919 is no longer the "forward-looking" progressive he appeared to be as governor of New Jersey and in his first years as President. That interesting period seems to have been mainly a rhetorical exhibition, in which the highest achievements are recorded in *The New Freedom* and his essays on "Making the world safe for democracy."

As he has progressed backward in these later years he presents what might be called a typical case of atavistic reversion.

For example, as to the treaty-making power, President Wilson now reverts to the uniquely autocratic views of Woodrow Wilson of 1908. His opinions upon these powers, as set forth in 1908, have no counterpart—in so far as I am advised—in all the literature on that important provision of the Constitution.

He is the first of all of our Presidents openly to challenge the constitutional right and duty of the Senate to advise and counsel with the President in the making of a treaty. Nay, more than that, he asserts that the President has the autocratic power to coerce the Senate into concurring in a treaty to which it may even be opposed.

From his book, *Constitutional Government in the United States*, first published in 1908 and reprinted as late as December, 1917, I quote the following:

One of the greatest of the President's powers I have not yet spoken of at all: His control, which is very absolute, of the foreign relations of the Nation. The initiative in foreign affairs, which the President possesses without any restriction whatever, is virtually the power to control them absolutely.

Now, we begin to get a picture of the inside of this man's mind, away back in 1908.

The President can not conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy, and to guide diplomacy is to determine what treaties must be made, if the faith and prestige of the Government are to be maintained.

That is, he can put the Government in such a place that its honor is committed to the carrying out of that provision that would not otherwise be carried out.

Mr. McCORMICK rose.

Mr. LA FOLLETTE. Just let me conclude the quotation. He says further:

He need disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also.

He thinks he has it committed, and he has evidently some gentlemen on this side committed.

This statement was of little importance at the time it first appeared in a small edition of classroom lectures to his college students. Its author, Mr. Wilson, was a gentleman who had failed as a lawyer and had become a college professor of "jurisprudence and politics." His views upon this subject at that time—1908—would not specially have interested anyone except for the fact that artful circumventing standards of political ethics which this quotation evidences were being taught to college students.

Mr. McCORMICK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LA FOLLETTE. I yield.

Mr. McCORMICK. Perhaps the same view of the powers of the President to commit the country has become current in Europe through some medium, because Stephane Lausanne, of the *Paris Matin*, returning from Brussels, announced the course which France would pursue "if America did not keep her word," the implication being that some power unknown to the Constitution had pledged the word of America in Paris.

Mr. LA FOLLETTE. Exactly. Now, to take up the thread of my thought.

It is quite another matter now. By the accidents of political fortune Mr. Wilson, the author of the foregoing paragraph, is

now President Wilson. Curious things happen in this Government of ours.

He chose to constitute himself a direct participant in making the treaty of Versailles. It transcends infinitely in importance any other to which this Nation was ever a party.

And President Wilson properly having taken the initiative in opening communications with the representatives of other nations, and thus being in control of the situation up to that point, by the Machiavelian method suggested by Woodrow Wilson in 1908, usurped sole and exclusive power, as he says, to—

Guide every step of diplomacy—

As to himself decide and—

Determine what treaties must be made, if the faith and prestige of the Government are to be maintained.

But he goes further than that. This is not enough to satisfy the peculiar sinuous working of that mind. He carried it to the monstrous conclusion that the President, and I quote his words, "need disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also." And I take it that a considerable number of Senators on this side feel themselves so pushed into a corner that they are in a way committed also to this unconstitutional method of making treaties.

In so doing, President Wilson manifested a willful, stubborn disregard of his constitutional obligations and the honorable precedents of other Presidents.

It is an accepted canon of construction that the meaning of any law is to be found in its own language. As an aid to the determination of an ambiguous statute, resort may be had to the discussion of the legislative debates and to legislative journals. The treaty-making power of the Constitution is not involved in any ambiguity. However, it may be of interest in this connection to notice briefly the historic setting of this provision. It will aid to a clear understanding of the intention of the framers of the Constitution to start with the thought in mind that the making of a treaty is the exercise of a sovereign power.

When the Colonies achieved independence, the right of sovereignty, carrying with it the treaty-making power, became inherent in each of the thirteen States. In forming the Continental Congress, the State was made the voting unit, and the treaty-making power was exercised through the State acting in its sovereign right.

Under the Articles of Confederation each State retained its sovereignty and had one vote. Provision was made in the articles that no one State should enter into a treaty with any king, prince, or foreign State without the consent of Congress. The Congress was given the authority to enter into treaties. But so jealous were the States of their sovereign treaty-making power that it was provided in the articles that no treaty could be made excepting by and with the vote of nine States. I emphasize this because it bears upon the Senate's power in making treaties. This conception of the close association with the power of making treaties and sovereignty in each of the States becomes a material consideration in construing and in tracing the historical development of this matter in the Constitutional Convention. Hence when the Constitutional Convention met to form a more perfect Union on the 25th of May, 1787, the delegates there assembled were imbued with the idea that the treaty-making power was inherent in the sovereignty of the States. It was so agreed that each State should be represented in the United States Senate.

Therefore it logically followed, when it came to dealing with the delegation of the treaty-making power to the new government that they were about to form, that they should lodge that great power exclusively in the United States Senate, and that is what they did. In the first construction of our Constitution you can see how their minds were working. You only need to trace the history of this provision to get the psychology of the men who were making our Constitution.

So we find in the first draft of the Constitution presented to the convention by Mr. Pinckney on the 29th of May, that it contains the provision with respect to treaties which I shall read. Just listen to it, Senators, and see what a monstrous change has been imposed upon this Republic from that conceived by the men who formed it:

ART. 7. The Senate shall have the sole and exclusive power to declare war and to make treaties.

That is the first draft of our Constitution. It is a far cry from that provision, Mr. President and Senators, to having treaty making controlled by one mind. Thus it will be seen that in the first draft of the Constitution the President was not even mentioned in connection with the power of making treaties.

This draft of the Constitution, presented by Mr. Pinckney, was presented on the 29th of May. As I remember it, the convention assembled on the 14th of May. There was but a meager attendance at that time, and because of the meager attendance of delegates an adjournment was taken to, I think, the 25th of May; and on the 25th of May the delegates assembled in such numbers that they organized the Constitutional Convention, and Gen. George Washington was elected its president and William Jackson, as I now remember it, was elected its secretary.

So it was organized for business about the 25th of May, and on the 28th or 29th of May Charles C. Pinckney presented to that Constitutional Convention a working draft of a constitution for this Government of ours.

Impressed by the fact that with the power of making treaties goes hand in hand sovereignty, that each of the thirteen Colonies had the power of making treaties because of their independent sovereignty, when they organized into the Confederation that provision was recognized, and the vote by States was carried over into the provisions of the Articles of Confederation and expressed there and perfected. So if each of the States was to be represented in the legislative body here and have equal voting powers, known as the United States Senate in the new government that they were about to form, it was perfectly logical and perfectly natural in the working of the mind of Charles C. Pinckney that in the first draft he submitted he should have incorporated the provision that treaties should be made by the States represented in the United States Senate on an equal voting basis.

Mr. President, as I have studied the proceedings of that convention, I find that on June 18, a little less than a month after the Constitutional Convention convened, Alexander Hamilton made an address before the convention, and in that address he submitted, in a tentative way, some suggestions—as he says, mere suggestions—for the consideration of the committee that was working upon the building up of the constitutional provisions. Among the suggestions that he made I find this one, and it is the first time that in the Constitutional Convention the President appears to have been thought of by anybody in connection with the treaty-making power. I think that is rather interesting.

I quote the following:

The authorities and functions of the Executive to be as follows:

I omit enumerating other functions and come to the one in question:

To have, with the advice and approbation of the Senate, the power of making all treaties.

But, sir, I am unable to find from that time on that he had so impressed any delegates in the Constitutional Convention that the matter was taken up and advocated by any one member of the convention. They still adhered to the plan that treaties should be made by the United States Senate, because the United States Senate represented the States on an equal voting basis.

Then a committee on detail—that is, a committee to work out the details of the Constitution—was appointed. It presented its report on August 6. It reported as to treaties the following:

Article IX, section 1. The Senate of the United States shall have power to make treaties.

I find the next reference August 15. Mr. Mercer, a delegate who was a factor in that convention, made the suggestion that the treaty-making power ought to be lodged solely with the Executive. There was not any discussion upon his suggestion, as revealed by the notes. Mark you, it was on the 15th day of August that he made that suggestion.

On September 4 Mr. Brierly, of the committee of 11, the committee on detail, reported to the convention several propositions, among which was the one dealing with this question of making treaties, and I have it before me. That was on the 4th day of September, 13 days and only 13 days before the Constitutional Convention adjourned. Then for the first time the President was brought into the report of the committee which was preparing the draft of the Constitution for the final action of the convention in substantially the same form in which we have it now.

Mr. President, I think the history of that is of some significance. I think it shows that it was clearly the purpose of the framers of the Constitution to withhold from the President any participation in the making of treaties until it was suggested that the Senate, being a legislative body, would require some agency for communicating with foreign nations in the making of a treaty and that the Executive was a proper agency.

That suggestion was made by Madison. It was adopted, and the Executive was brought into the treaty-making power.

The men who were looking to the perpetuity of democracy for the light of the world never rested it upon one mind. You can not find it in the Constitution.

I tell you, Senators, never in all of your service in this body—I care not how long you have served—have you been brought to or which now faces us. Will you yield in this matter and write into the history of the proceedings of this Government a precedent that surrenders all control of our intercourse with the foreign Governments of the world practically to one mind? It was clearly the purpose of the framers of the Constitution to withhold from the President the exclusive authority to make treaties. Indeed, it was at a late hour in the proceedings of the convention that they admitted the Executive to a participation in it. They regarded it as too vast a power, fraught with too serious consequences, to be committed to the sole discretion of one man. A badly conceived and unwisely constructed treaty might prove a costly venture. It might involve the country in the gravest difficulties, the most embarrassing entanglements. It might even convert a covenant designed to secure peace into an instrument to force us into war. To safeguard against the dangers incident to the mistakes and errors of a one-man judgment and the menace of an overreaching ambition, the framers of the Constitution vested the treaty-making power in the President and the Senate.

Now, Mr. President, after this somewhat too extended excursion into the historical aspects of this, to me, very interesting matter, let us come back to a consideration of this provision of the Constitution. I have already quoted it unnecessarily, for it is familiar to every Senator, but it seems to me that this provision ought to be given some meaning.

Chief Justice Marshall, in *Gibbons versus Ogden*, said:

As men whose intentions require no concealment generally employ words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution and the people who adopted it must be understood to have employed words in their natural sense and to have intended what they said.

When, therefore, the Constitution commands that the President and the Senate shall advise together in making a treaty, it was clearly intended that each side should be free to receive or to reject the advice of the other; but, as I have said, when this treaty was presented to the Senate for its consideration, it was no longer possible for the President to accept and to conform to the advice of the Senate if the advice involved changing any of the terms of the treaty. The time for advice was when the treaty was being negotiated and debated at the conference table and was still subject to change by the representatives of the 31 Governments parties to the agreement; but that time had passed when the treaty was first brought before the Senate; and it had been, I believe, the deliberate purpose of the President to deprive the Senate, in so far as he could, of all influence in making the treaty.

In *Gerrald versus Mobley*, in *Thirteenth Otto*, page 580, Justice Field said:

A constitutional provision should not be so construed as to defeat its evident purpose, but rather so as to give it effective operation and suppress the mischief at which it is aimed.

Now, what was the mischief at which this constitutional provision was aimed which required the President and the Senate to advise together in making a treaty? It was aimed at the mischief of too great power in making treaties being exercised by one man.

Alexander Hamilton, fresh from active participation in the Constitutional Convention, addressing the people of New York pending their ratification of the Constitution, emphasized the importance of the Senate's "joint and concurrent participation in making treaties." Those are his words. What does that mean?

Speaking of the danger of lodging with one man, the President of the United States, the exclusive authority to make treaties and control foreign relations, he said:

However proper and safe it may be, in governments where the executive magistrate is an hereditary monarch, to commit to him the entire power of making treaties, it would be utterly unsafe and improper to intrust that power to an elective magistrate of four years' duration.

Again, he says:

The history of human conduct does not warrant that exalted opinion of human virtue, which would make it wise in a nation to commit interests of so delicate and momentous a kind, as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate, created and circumstanced as would be a President of the United States.

Mr. President, I grant that the Senate still has the power to reject this treaty; it still has the power to amend it; but I say to Senators here that every man within the reach of my voice knows that Senators have been under constraint in voting as to changing this treaty. It never was intended by the

makers of the Constitution that they should be under constraint, but we can not get the independent judgment of Senators as to the language of the treaty, although upon the language of the treaty may hang the lives of millions of our soldier boys.

Mr. JONES of Washington. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. LA FOLLETTE. I will yield in a moment. It never was intended, I say, that the coordinate treaty-making power—the Senate—should by the Machiavelian tactics of an Executive be placed in a position where it could not exercise its independent judgment in framing treaties. Now I yield to the Senator from Washington.

Mr. JONES of Washington. Mr. President, I have no doubt the Senator has noted in the newspapers nearly every day, and I think in those of this morning, statements to the effect that Senators are waiting the orders of the President before they determine how they are going to vote, if certain reservations are put on.

Mr. LA FOLLETTE. Oh, Mr. President, I have noted that. I have noted it, as I have noted other things that have transpired under this administration. Oh, never before in the history of this Republic has there been known anything, faintly or remotely, approaching the servile, abject, cringing attitude of the legislative department of the Government to the Executive; and I am taking the time of the Senate to protest and to seek to arouse some unity of action here which will assert and will preserve, sir, to us and to our children the letter and spirit of the Constitution that cost us so much in blood and treasure. Senators, in God's name what justification can be made for this surrender of the Senate's constitutional right when the Constitution imposes upon you your independent duty under your oath to support the Constitution?

Too many Senators have voted down amendments which in their hearts and in their consciences they believed to be just and knew were right and knew ought to be written into this treaty, but because the treaty has come to the Senate in this form and through violation of the letter and spirit of the Constitution.

Listen to Hamilton further. Fortunately we have the voice and the thinking of these men here, preserved in the printed page occasionally to make its appeal. Will you not heed that? Listen to Hamilton.

Also, in the same address, he said that if we would attend carefully to the subject—

It—

The treaty-making power—

will be found to partake more of the legislative than of the executive character.

And in the same address he spoke of the danger involved in giving—listen—an ambitious President too great treaty-making power. He said:

An ambitious man might make his own aggrandizement, by the aid of a foreign power, the price of his treachery to his constituents.

Mr. McCORMICK. Will the Senator repeat that, please?

Mr. LA FOLLETTE. Gladly. Listen again to this admonition from Hamilton:

An ambitious man might make his own aggrandizement, by the aid of a foreign power, the price of his treachery to his constituents.

Since the mischief at which the constitutional provision was aimed, which gave to the Senate coordinate power with the Executive in making treaties, was plain and well understood, and the language of the Constitution directly and aptly confers this power upon the Senate, I might at this point rest my argument to show that the President proceeded in violation of the Constitution in making this treaty.

But I am going further than that and call to the attention of the Senate the precedents upon this subject established by Presidents whose learning, devotion to duty, and loyalty to the institutions of our country can not be questioned.

President Washington's administration, following immediately upon the adoption of the Constitution, and numbering among its members many of those who had been prominent in framing the Constitution, furnishes the most persuasive proof as to what the men of that time understood the Constitution to require of the President in the exercise of his treaty-making power.

The first treaty ever negotiated by our Government, so far as I have learned, was with the southern Indians early in President Washington's first administration. The method of procedure in that case, though involving nothing more than a treaty with an Indian tribe, was such as to carry out the letter and the spirit of the Constitution. President Washington first sent a message to the Senate in which he advised the Senate that he wished to meet with it the following day "to consider the terms

of a treaty to be negotiated with the southern Indians." This message was sent to the Senate August 21, 1789. President Washington accordingly the next day came to the Senate, accompanied by Gen. Knox, a soldier who was prepared to answer questions pertaining to the Indians, though he was not otherwise an officer of the Government, and the President briefly stated the purpose of the meeting. Seven specific questions were submitted to the Senate as to the "proposed negotiations." The President requested a vote by the Senate upon each of the seven propositions. The Senate took the questions under advisement and postponed action until the following Monday, at which time it voted in favor of only a part of the seven propositions stated.

Some two or three weeks before President Washington asked the advice of the Senate concerning the negotiation of the treaty I have just mentioned, the Senate had already appointed a committee to determine the manner in which communications respecting treaties should be conducted between the President and the Senate. President Washington communicated his views to this committee, stating, in substance, that "in case of treaties oral communications seem to be indispensably necessary, because of the variety of subjects embraced in them which would not only require consideration but might undergo much discussion." (See Crandall on Treaties, 2d ed., p. 67.)

That indicates how the Senate and President Washington viewed this question. Oh, how far have we traveled, and in what an untoward direction! Where are we going? Is this to be a Republic, or is this to be a Government controlled by one man? You must answer to your consciences and to your constituents on this issue, for it is not to be settled here to-day or to-morrow or with the disposition of this treaty. This question goes to the very foundations of the life of this Republic, and there are, thank God, in this country men loyal enough to our free institutions to carry this question from this Hall to the American people, the sovereign power of this Republic, for final determination.

So far as I have been able to find, President Washington throughout his two terms of office never failed to ask the advice of the Senate respecting the negotiation of all treaties which were made while he was President.

We know that on August 4, 7, and 11, 1790, and January 18, 1792, and March 23, 1792, the President asked the advice of the Senate as to negotiating various treaties with the Indian tribes.

In a message to the Senate on August 4, 1790, respecting the proposed treaty with the Creek Indians, the President said:

In consequence of the general principles agreed to by the Senate in August, 1789, the adjustment of the terms of a treaty is far advanced between the United States and the chiefs of the Creek Indians, now in this city, in behalf of themselves and the whole Creek Nation.

You will note here that a year prior to the date of this communication the President had advised with the Senate and secured from it an opinion as to the general principles which should be embodied in the treaty. Following out those principles, it seems that a year's negotiations were in progress. It further appears from this communication from the President to the Senate, under date of August 4, that the President was embarrassed in his dealings with the Creek Indians, because British merchants importing their goods, through Spanish ports, had a monopoly of the trade with the Creeks, and brought about disorder and discontent among the Indians. The President therefore submitted to the Senate whether a secret treaty might be negotiated with the Indian chiefs to obviate this difficulty.

On August 11, 1790, the President, in a message to the Senate in reference to a proposed treaty with the Cherokee Indians, said:

On this point, therefore, I state the following precedents, and request the advice of the Senate thereon:

First. Is it the judgment of the Senate that overtures shall be made to Cherokees to arrange a new boundary so as to embrace the settlements made by the white people since the treaty of Hopewell, in November, 1785?

President Washington thought that in fixing this boundary, this little boundary, a mere short span upon the map, that the Senate ought to be consulted and advised with before he put it into the fixed terms of a treaty to be submitted for them to concur in. But he who is now President has joined in a treaty that changes the boundaries of the world, and he has done that without a suggestion from the United States Senate, or an intimation of any desire to have their advice, and has done it in such a way, as indicated by the attitude of many Senators, that he can not secure the independent opinion of those Senators in deciding as to whether he pursued a proper course.

Second. If so, shall compensation to the amount of ——— dollars annually or of ——— dollars in gross be made to the Cherokees for the land they shall relinquish, holding the occupiers of the land accountable to the United States for its value?

Third. Shall the United States stipulate solemnly to guarantee the new boundary which may be arranged?

Those were the questions that he submitted to the Senate to be advised upon by the Senate in pursuance of what he thought to be the requirements of the Constitution in treaty making.

On January 18, 1792, President Washington addressed the Senate as follows:

I lay before you the communications of a deputation from the Cherokee Nation of Indians now in this city, and I request your advice whether an additional article shall be made to the Cherokee treaty to the following effect, to wit:

That the sum to be paid annually by the United States to the Cherokee Nation of Indians in consideration of the relinquishment of lands as stated in the treaty made by them on the 2d day of July, 1791, shall be \$1,500 instead of \$1,000 mentioned in the said treaty.

You will note here how trivial was the amount involved, how simple the negotiations; and yet, sir, because of the principle involved, and because he wished to obey the Constitution, President Washington did not proceed to negotiate even the simple treaty here proposed and the determination of the amount—between \$1,500 and \$1,000—without first requesting the advice of the Senate upon the subject.

November 6, 1919.

Mr. LA FOLLETTE. Mr. President, at the conclusion of the session on yesterday one of the Senators upon the other side of the Chamber paid me the compliment of saying that he had been much impressed with my argument that it was the duty of the President, under the Constitution, to advise with the Senate in making a treaty; but he suggested that, with the peace commission sitting in Paris, remote from this country, it would be very difficult for the President to advise with the Senate. I reminded him, and I remind the Senate, that the President, when he withdrew himself from this country at the beginning of the December session of Congress in 1918, in an address to the two Houses, said:

The cables and the wireless will render me available for any counsel or service you may desire of me, and I shall be happy in the thought that I am constantly in touch with the weighty matter of domestic policy with which we shall have to deal.

It seems to me, Mr. President, that, being in full control of the cables and the wireless, he might have added that it would be possible for him to comply literally and according to its spirit with the provision of the Constitution as to advising with the Senate at every step in making a treaty dealing with the momentous affairs that were being considered by the peace conference at Paris.

Now, Mr. President, I resume where I broke off at the adjournment or the recess taken last evening, when I was presenting to the Senate the conception of President Washington of his obligations, as President, to advise with the Senate in the making of treaties, as shown by the records of his administration. I had completed the recital with respect to one case in which he had advised with the Senate while a treaty was in the making; and again, in addressing the Senate of the United States May 8, 1792, President Washington submitted the following propositions for the advice of the Senate. I quote:

If the President of the United States should conclude a convention or treaty with the Government of Algiers for the ransom of the 13 Americans in captivity there for a sum of not exceeding \$40,000, all expenses included, will the Senate approve the same? Or is there any, and what, greater or lesser sum which they would fix on as the limit beyond which they would not approve the ransom?

Continuing the quotation:

If the President of the United States should conclude a treaty with the Government of Algiers for the establishment of peace with them at any expense not exceeding \$25,000, paid at the signature, and a like sum to be paid annually afterwards during the continuance of the treaty, would the Senate approve the same? Or are there any greater or lesser sums which they would fix on as the limits beyond which they would not approve of such treaty?

Of course, in all the more important treaties President Washington was equally punctilious in seeking the advice of the Senate, or in associating the Senate with the President in framing the treaty through an agent agreed upon between the President and the Senate. Whenever that course seemed to be the most practical one the Senate was represented in the making of the treaty as much as the President, when they jointly agreed upon the selection of an agent or of agents who should make the treaty.

For example, February 9, 1790, he addressed the Senate as follows:

You will perceive from the papers herewith delivered, and which are enumerated in the annexed list, that a difference subsists between Great Britain and the United States relative to the boundary line between our eastern and their territories. A plan for deciding this difference was laid before the late Congress, and whether that or some other plan of a like kind would not now be eligible is submitted to your consideration.

In my opinion it is desirable that all questions between this and other nations be speedily and amicably settled, and in this instance I think it advisable to postpone any negotiations on the subject until

I shall be informed of the result of your deliberations and receive your advice as to the propositions most proper to be offered on the part of the United States.

As I am taking measures for learning the intentions of Great Britain respecting the further detention of our posts, etc., I am the more solicitous that the business now submitted to you may be prepared for negotiation as soon as the other important affairs which engage your attention will permit.

Think of it, sir! President Washington thought it advisable to postpone even opening negotiations until the Senate had deliberated upon the matter and advised him—to quote his own words—"as to the propositions most proper to be offered on the part of the United States"; and because of the great importance and urgency of the question, the President exhorted the Senate that it act as promptly as the other important affairs which engaged its attention would permit, to the end that he might be advised upon the questions submitted to the Senate and the matter—to quote his words—"be prepared for negotiation."

If, sir, it is allowed the spirit of Washington to know the evils that afflict his unhappy country to-day, his thoughts must have been aroused by the spectacle of President Wilson betaking himself to the capitals of Europe, there to negotiate in secret, with the representatives of the Kings of Great Britain and Italy, the Emperor of Japan, and other potentates, a treaty more far-reaching in its consequences to this country than ever before was contemplated by the mind of man; and in all this proceeding the President addressed no communication to the Senate, and not only never sought its advice, but deliberately destroyed all possibility of the Senate advising with the President by refusing to convene it in special session while the peace conference was doing its most important work.

The criticism of the league of nations by Senators during the session which terminated March 4 did constrain the President grudgingly to consent to inviting a few Senators to the White House on his return from abroad February 25, and thus grant to them the special privilege of a brief exchange of views on that branch of the work of the peace conference. The Senators wanted to know the meaning of this provision and that provision. Answers in hazy generalities did not seem to satisfy their desire for information. Questions were delicately pressed by the members of the Committee on Foreign Relations, invited to the President's private dinner. The President did not particularly enjoy the occasion. He wasted no more of his time upon the "pygmy minds" of Senators who declined to permit him to do their thinking for them; and manifestly he welcomed the approach of the 4th of March, which automatically adjourned Congress and put a stop to further discussion of the proceedings of the peace conference in the daily sessions of the Senate.

Who, think you, best knew the meaning of the Constitution, George Washington or Woodrow Wilson? Whose interpretation will you accept? That of the great soldier and statesman who presided over the convention that framed the Constitution, and was unanimously elected the first President of the United States, or the schoolmaster who read the Constitution only as 10,000 other professors read it, for classroom purposes, and who by the accident of politics was elected President of the United States?

Sir, not only did President Washington, in his solicitude to obey the Constitution, seek the advice of the Senate in advance upon the principles to be embodied in every treaty made during his administration, but when he found it necessary to appoint some one to conduct the negotiations for him he submitted the names of such persons to the Senate, with his reasons for their selection, and sought the approval of the Senate upon the appointment.

Accordingly, he addressed the Senate on January 11, 1792, respecting the proposed treaty with Spain. After setting out the fact that the representatives of the King of Spain had approached our Government with suggestions that a treaty be made respecting the navigation of the Mississippi River, President Washington said:

In consequence of the communication from the Court of Spain, as stated in the preceding report, I nominate William Carmichael, present chargé d'affaires of the United States at Madrid, and William Short, present chargé d'affaires of the United States at Paris, to be commissioners plenipotentiary for negotiating and concluding with any person or persons who shall be duly authorized by His Catholic Majesty a convention or treaty concerning the navigation of the River Mississippi by the citizens of the United States, saving to the President and Senate their respective rights as to the ratification of the same.

It evidently never occurred to President Washington that the way to make that treaty was to take his family and Col. House, besides some thirteen hundred other friends and associates, and go over to the Court of Spain, and make the treaty all by himself in secret, never communicating with the Senate until the treaty was a completed document, and then merely calling it to

the attention of the Senate by pointing out the place where the vote of concurrence of the Senate could be attached.

The several communications addressed by President Washington to the Senate, from which I have quoted, and the many others of the same nature, are to be found, of course, in the published Messages and Papers of the Presidents under the dates I have mentioned.

President Washington not only knew and recognized the constitutional right and duty of the Senate to advise with the President in making treaties, but he also realized the full extent and great responsibility and the limitations imposed upon the treaty-making power vested by the Constitution in the Executive, and he never hesitated to execute that power to the full limit of his constitutional right and duty. No man ever called President Washington a weakling or a man who was afraid to assume responsibility or disposed to surrender the rights and prerogatives of the presidential office. Accordingly we find that when the House of Representatives, in March, 1796, adopted a resolution requesting the President to send to it a copy of the instructions to the minister to negotiate a treaty with the Government of Great Britain, claiming that the carrying out of the treaty would require legislation of the House, President Washington courteously but firmly declined to comply with the request, on the ground that no such duty was enjoined upon him by the Constitution.

In his message to the House of Representatives, Washington pointed out that the House of Representatives was a large body and that the danger of communications of a confidential nature becoming public was much greater than in the case of the Senate, and that this was one reason which moved the convention which framed the Constitution to vest the treaty-making power in the President and the Senate. On this point he said:

The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate, the principle upon which that body was formed confining it to a small number of Senators. To admit, then, a right in the House of Representatives to demand and to have as a matter of course all the papers respecting a negotiation with a foreign power would be to establish a dangerous precedent.

President Washington knew the danger of a bad precedent, and so he adhered firmly to the Constitution, every line of which had been written under his eye, and every sentence of which had been most ably debated in his presence, neither seeking, on the one hand, an undue extension of the President's treaty-making power nor, on the other hand, allowing that power to be in the slightest degree limited or impaired.

I can not, of course, Mr. President, take the time of the Senate to go over all the many instances in which other Presidents, in conformity with the Constitution, have sought the advice of the Senate to or during the negotiations of a treaty, or have joined with the Senate in the selection of an agent or commission to make the treaty. I have dwelt at some length upon the practice followed by Washington because his position in the Constitutional Convention puts it beyond question that he knew the meaning of the framers of the Constitution—the meaning that they gave to the clause I am discussing.

The practice of all the early Presidents, particularly those who had some part in the framing of the Constitution, was the same. They sought the advice of the Senate concerning any proposed treaty at some point prior to the time the treaty was submitted for final action. While I am aware that subsequently this practice was departed from, it is also true that it has been generally followed in exceptional cases when necessary to enable the Senate to advise the President in the constitutional sense.

Passing rapidly over the different administrations, I note that President Adams's practice was exactly the same as Washington's. Let one instance suffice.

In negotiating a treaty with the French Republic, the President laid before the Senate a general statement of the ground covered, and submitted to the Senate for confirmation the names of the agents he desired to select to conduct the negotiations. Addressing the Senate under date of May 31, 1797, he said:

I nominate Gen. Charles Cotesworth Pinckney, of South Carolina; Francis Dana, chief justice of the State of Massachusetts; and Gen. John Marshall, of Virginia, to be jointly and severally envoys extraordinary and ministers plenipotentiary to the French Republic.

After mature deliberation on the critical situation of our relations with France, which have long engaged my most serious attention, I have determined on these nominations of persons to negotiate with the French Republic to dissipate umbrages, to remove prejudices, to rectify errors, and adjust all differences by a treaty between the two powers.

It is, in the present critical and singular circumstances, of great importance to engage the confidence of the great portions of the Union in the characters employed and the measures which may be adopted. I have therefore thought it expedient to nominate persons of talents and integrity, long known in the three great divisions of the Union, and at the same time to provide against the cases of death, absence, indisposition, or other impediments to invest any one or more of them with full powers.

So much for President Adams.

President Jefferson, it is well known, maintained, and while Secretary of State advised the President, that the Senate should be consulted before the opening of negotiations respecting a treaty, since it was for that body to finally concur in the treaty. I cite the writings of Jefferson, Ford Edition, fifth volume, page 442.

If the requirements of secret diplomacy which were so much affected by statesmen throughout the world in the nineteenth century sometimes led our Presidents to conduct treaty negotiations with too little regard for the letter and spirit of the Constitution, that was merely the occasion for the really great Presidents to respect the principles of the Constitution, and return to the practice of Washington and his immediate successors.

Accordingly we find that President Jackson, under date of May 6, 1830, sought the advice of the Senate concerning a proposed treaty with the Choctaw Indians, by which they offered to cede to the United States all their country east of the Mississippi River. Among other things, he said:

It is certainly desirable, on various and very pressing accounts, as will appear from the accompanying documents, that some agreement should be concluded with the Indians by which an object so important as their removal beyond the territorial limits of the States may be effected.

In settling the terms of such an agreement, I am disposed to exercise the utmost liberality, and to concur in any which are consistent with the Constitution and not incompatible with the interests of the United States and their duties to the Indians. I can not, however, regard the terms proposed by the Choctaws to be in all respects of this character; but, desirous of concluding an agreement upon such as are, I have drawn up the accompanying amendments, which I propose to offer to the Choctaws if they meet the approbation of the Senate. The conditions which they offer are such as, in my judgment, the most likely to be acceptable to both parties, and are liable to the fewest objections. Not being tenacious, though, on the subject, I will most cheerfully adopt any modifications which on a frank interchange of opinions my constitutional advisers may suggest, and which I shall be satisfied are reconcilable with my official duties.

With these views I ask the opinion of the Senate upon the following questions:

Will the Senate advise the conclusion of a treaty with the Choctaw Nation according to the terms which they propose? Or will the Senate advise the conclusion of a treaty with that tribe as modified by the alterations suggested by me?

If not, what further alteration or modification will the Senate propose?

Lincoln, too, in negotiating treaties, conformed strictly to the Constitution and followed the practice of early Presidents. One of Lincoln's first acts was to ask the advice of the Senate on a proposition submitted by the British Government to refer certain matters in controversy between the two countries to arbitration. In his communication, under date of March 16, 1861, President Lincoln said:

The Senate has transmitted to me a copy of the message sent by my predecessor to that body on the 21st day of February last, proposing to take its advice on the subject of a proposition made by the British Government through its minister here, to refer the matter in controversy between that Government and the Government of the United States to the arbitration of the King of Sweden and Norway, the King of the Netherlands, or the Republic of the Swiss Confederation.

In that message my predecessor stated that he wished to submit to the Senate the precise questions following, namely:

Will the Senate approve a treaty referring to either of the foreign powers above named the dispute now existing between the Governments of the United States and Great Britain concerning the boundary line between Vancouver Island and the American Continent? In case the referee shall find himself unable to decide where the line is by the description of it in the treaty of the 15th June, 1846, shall he be authorized to establish a line according to the treaty as nearly as possible? Which of the three powers named by Great Britain as an arbitrator shall be chosen by the United States?

I find no reason to disapprove of the course of my predecessor in this important matter; but, on the contrary, I not only shall receive the advice of the Senate therein cheerfully, but I respectfully ask the Senate for their advice on the three questions before recited.

The predecessor of Mr. Lincoln referred to in his message was, of course, Mr. Buchanan. His views on the subject had been stated while Secretary of State, in 1846, in instructions given to Mr. McLean, Minister to Great Britain. He there said, and I quote from President Buchanan now:

The Federal Constitution has made the Senate to a certain extent a coordinate branch of the treaty-making power. Without their advice and consent no treaty can be concluded. This power could not be intrusted to wiser or better hands. Besides, in their legislative character they constitute a portion of the war-making as in their executive capacity they compose a part of the treaty-making power. * * * A rejection of the British ultimatum might probably lead to war, and as a branch of the legislative power it would be incumbent upon them to authorize the necessary preparations to render this war successful. Under these considerations the President, in deference to the Senate—

Listen, now, to this—

and to the true theory of the constitutional responsibilities of the different branches of the Government, will forego his own opinion so far as to submit to that body any proposition which may be made by the British Government not, in his judgment, wholly inconsistent with the rights and honor of the country.

President Buchanan also during his administration followed this practice, and on February 21, 1861, sought the advice of the

Senate in advance of negotiations for a treaty to refer to arbitration the northwest boundary dispute.

Resuming for a moment reference to Lincoln's administration and to the practices which he followed, on July 19 President Lincoln submitted to the Senate for its advice, with a view to formal ratification, the draft of a treaty formally agreed upon between the United States and the Delaware Tribe of Indians relative to certain lands of the tribe.

On December 17, 1861, President Lincoln transmitted to the Senate for advice a copy of a draft for a convention with the Republic of Mexico, by Mr. Corwin, then minister to that Government. He urged the immediate consideration by the Senate, because of the momentous interests of the two Governments at this juncture.

On January 24, 1862, President Lincoln sent a message to the Senate laying before it a dispatch just then received from Minister Corwin. It contained important information concerning the war then being waged against Mexico by Spain, France, and Great Britain. The President asked that the Senate give early consideration to the request which he had previously submitted to the Senate, to the end that he might cause instructions to be sent to Mr. Corwin, such instructions as would enable him to act in a manner which, while it would most carefully guard the interests of our country, would at the same time be most beneficial to Mexico.

In this connection I wish to read a communication from President Lincoln to the Senate:

WASHINGTON, June 23, 1862.

To the Senate of the United States:

On the 7th day of December, 1861, I submitted to the Senate the project of a treaty between the United States and Mexico, which had been proposed to me by Mr. Corwin, our minister to Mexico, and respectfully requested the advice of the Senate thereupon.

On the 25th day of February last a resolution was adopted by the Senate to the effect "that it is not advisable to negotiate a treaty that will require the United States to assume any portion of the principal or interest of the debt of Mexico, or that will require the concurrence of European powers."

This resolution having been duly communicated to me, notice thereof was immediately given by the Secretary of State to Mr. Corwin, and he was informed that he was to consider his instructions upon the subject referred to modified by this resolution and would govern his course accordingly.

That dispatch failed to reach Mr. Corwin, by reason of the disturbed condition of Mexico, until a very recent date, Mr. Corwin being without instructions, or thus practically left without instructions, to negotiate further with Mexico.

In view of the very important events occurring there, he has thought that the interests of the United States would be promoted by the conclusion of two treaties, which should provide for a loan to that Republic. He has, therefore, signed such treaties, and they having been duly ratified by the Government of Mexico, he has transmitted them to me for my consideration. The action of the Senate is, of course, conclusive against an acceptance of the treaties on my part. I have nevertheless thought it just to our excellent minister in Mexico and respectful to the Government of that Republic to lay the treaties before the Senate, together with the correspondence which has occurred in relation to them. In performing this duty I have only to add that the importance of the subject thus submitted to the Senate can not be overestimated, and I shall cheerfully receive and consider with the highest respect any further advice the Senate may think proper to give upon the subject.

On March 5, 1862, President Lincoln submitted to the Senate a copy of a message addressed to them by President Buchanan relating to the award made by a joint commission under the convention between the United States and Paraguay, together with the original journal of the proceedings of the commission, and requested the advice of the Senate as to the final acquiescence in or rejection of the award of the commission by the Government of the United States. He requested also that the Senate return the journal, as it was a document which should be returned to the custody of the Secretary of State.

Oh, Mr. President, compare that with the denial of the present Executive made again and again to the Senate to have put into its possession anything approaching memoranda of the proceedings of this peace commission that transacted this important business at Versailles, to aid the Senate in considering this treaty. All, everything pertaining to the daily discussion of the different terms of this great document, so far-reaching in its consequences, withheld from the Senate that must be bound by its concurrence therein, not to speak of the treaties that are bound up with this treaty and with the league covenant, to which the Senate, when it concurs, if it ever should, in this document, bind this country as to the other documents withheld from the Senate.

Mr. President, I undertake to say that in all the history of governments which are even an approach to a democratic form of government, there never has been such an exhibition of autocratic power as that to which this body has submitted at the hands of the present Executive.

President Johnson, following the footsteps of his immediate predecessors, on January 15, 1869, asked the advice of the Senate concerning the proposed naturalization treaty with Great

Britain in conformity with the London protocol of October 9, 1868.

President Grant adopted the same course. In the communication to the Senate under date of May 18, 1872, he said:

I transmit herewith the correspondence which has recently taken place respecting the differences of opinion which have arisen between this Government and that of Great Britain with regard to the powers of the tribunal of arbitration created under the treaty signed at Washington May 8, 1871.

I respectfully invite the attention of the Senate to the proposed article submitted by the British Government with the object of removing the differences which seem to threaten the prosecution of the arbitration and request an expression by the Senate of their disposition in regard to advising and consenting to the formal adoption of an article such as is proposed by the British Government.

The Senate is aware that consultation with that body in advance of entering into agreements with foreign states has many precedents. In the early days of the Republic, Gen. Washington repeatedly asked their advice upon pending questions with such powers. The most important recent precedent is that of the Oregon boundary treaty in 1846.

The importance of the results hanging upon the present state of the treaty with Great Britain leads me to follow these former precedents and to desire the counsel of the Senate in advance of agreeing to the proposal of Great Britain.

President Arthur followed the same practice, and on June 9, 1884, submitted to the Senate in advance of any negotiations a proposal from the ruler of the Hawaiian Islands to extend the reciprocity agreement then in force for a period of seven years.

In very recent years the proposed treaties have often been dealt with by the Presidents in annual or general messages instead of special messages, and the whole matter opened in that way for general discussion between the President and the Senate for a complete understanding.

Treaty negotiations have often been begun by the Executive in response either to joint or Senate resolutions advising such negotiations.

Such was the resolution of March 4, 1909, requesting the President to renew negotiations with Russia concerning the treatment of American citizens in Russia.

So also in some instances Presidents have designated as commissioners to negotiate treaties Members of the Senate and of the Foreign Relations Committee, as in the case of the commissioners appointed by President McKinley September 13, 1898, to negotiate the treaty of peace with Spain. It will be remembered—indeed, I think there are a number of Members of the Senate to-day who were then Members of the Senate—that President McKinley at that time gave to the Senate a majority of the membership of the commission that negotiated the treaty with Spain. The membership of that commission was as follows: William R. Day, late Secretary of State, chairman of the commission; Cushman K. Davis, Senator, and at that time chairman of the Committee on Foreign Relations; William P. Frye, Senator, and also a member of the Committee on Foreign Relations; George Gray, Senator, and a member of the Committee on Foreign Relations at that time; Whitelaw Reid, late minister plenipotentiary of the United States to France. That was the commission that negotiated the treaty with Spain at the conclusion of the War with Spain in 1898.

That was in a marked degree a recognition of the Senate as a concrete authority and power in the making of treaties. The practice, I believe, has been uniform, or practically uniform, for the Presidents to transmit to the Senate information concerning any proposed treaty in response to a resolution of the Senate requesting it. Where the treaty has come before the Senate in a completed form for its action without having been previously advised with by the Executive, the Senate has never hesitated—unless this shall make the first record of that sort—to reject the treaty if it was deemed objectionable. For example, the Senate refused concurrence in proposed treaties with Great Britain in January, 1869; June, 1886; February, 1888; and January, 1897.

It will serve no good purpose, Mr. President, to go over the long list of treaties which have been rejected by the Senate which came to it for consideration for the first time in completed form, because it is a fact of history that the Presidents after a time, particularly when our Government had passed beyond the influence of the period of the making of the Constitution, began to reach out for more and more executive power. It is sufficient to say that whenever an Executive has assumed that the situation was such that the advice of the Senate could be obtained by submitting the treaty in completed form for its consideration without previous conference, the Senate has in such cases invariably insisted upon the right to the same freedom of action as it would have possessed had it been consulted at an earlier stage of the negotiations.

I shall not attempt to exhaust the precedents upon this subject, nor would it serve any useful purpose to do so. It is not to be expected that through a period of almost a century

and a half and the administration of 27 different Presidents there would be perfect uniformity on all occasions; but, to the great credit of all previous Presidents, be it said that through the administrations of nearly all runs a clear recognition of the constitutional mandate to advise with the Senate in making a treaty.

The policy of our greatest Presidents has been to seek the advice of the Senate concerning a proposed treaty in advance of negotiations, where that was feasible. In many instances, of course, that has not been feasible and has not been done. In many instances the will of the Senate and the wishes of the parties to the treaty were well known and the interests of the United States were perfectly clear. In such cases few, if any, doubtful questions were involved in the negotiation of the treaty, and the advice of the Senate could be freely given upon the completed draft of the document, which, however, if found faulty could be amended or rejected without in any way jeopardizing the interests of the country. But the rule to be deduced from all the precedents, and which is expressed so clearly in the Constitution as hardly to require the citation of authorities, is that the President is bound to advise with the Senate at some stage in the process of making a treaty which will leave the Senate free to give its advice solely on the merits of the proposed treaty, and when the President is free to accept and act upon the advice which the Senate gives him.

I concede, of course, Mr. President, that there is no power in the Senate to compel the President to do that; and many of the text writers upon this subject have treated it just from that standpoint alone in discussing the question of the power of the Senate to compel the President to advise with the Senate in the making of a treaty. Of course, the Senate has no other power over the Executive than the power of impeachment upon articles presented by the House of Representatives, and a critical and close reading, I think, of the discussion that has been had shows that it is directed chiefly to that point.

No other interpretation than that which I have given, as it seems to me, of the Constitution is possible if this language is to be understood in its plain, ordinary sense, and no other interpretation is possible, in view of the construction which, by their official acts, Washington and the other Presidents of the country, particularly those who caught the spirit of the Constitutional Convention from the time in which they lived, have placed upon it. What I have said is the very least that any President can do in advising with the Senate in making treaties and still claim to have obeyed the Constitution, and particularly when treaties relate to changes in the very substructure of this Government.

Sir, has President Wilson, in conducting the negotiations respecting the treaty now before the Senate, obeyed either the letter or the spirit of the Constitution, or has he violated both? Did he ask the advice of the Senate upon this most far-reaching treaty ever negotiated since the world began, at a stage of the negotiations where the Senate was free to discharge its constitutional duty of considering this treaty upon its merits and advising the President accordingly? We all know that he did not. We all know, moreover, that he deliberately and for months after he had started negotiations refused to call the Senate into session in order that neither by resolution nor otherwise could it seek information or make suggestions concerning the negotiation of this treaty which the President was then conducting in person in a foreign land. The Senate, of course, could not convene itself; and so for many weeks he avoided even the criticism of not taking into his confidence the coordinate treaty-making branch of the Government.

When the exigencies of the United States, of course, required the calling of a special session, the President still in no way recognized his constitutional duty to advise with the Senate or to permit it to have any information concerning the amazing covenants, undermining the sovereign rights of this Government, or to know anything about the enormous burdens imposed upon it, or to have an intimation of the base surrender of the professed principles and high purposes for which the American people have been persuaded to believe that they were sacrificing priceless lives in fighting a foreign war.

Why did President Wilson take this course? There is but one answer. He knew that he was engaged in framing a treaty many provisions of which were as shocking to the moral sense of the people of this country as they are to a majority of the Senate, and he knew that if knowledge of those conditions came to the Senate, the Senate, whether its advice were sought or not, would by resolution or otherwise advise the President and his associates in Paris who were framing this treaty that the Senate would never concur in a treaty containing monstrous provisions which undermine the independence and sovereignty of this Government.

Suppose, sir, the President had informed the Senate that the shameful secret treaties between the Allies, partitioning the world between themselves as spoils of war, were to be carried out by the terms of the treaty about to be made and asked the advice of the Senate thereon; we all know what the result would have been. The Senate, sir, would have with practical unanimity advised the President that the Senate would never concur in such an infamous treaty of spoliation, which would have inevitably disgraced and dishonored this Nation.

I say, sir, that the Senate would have taken this action with practical unanimity, for I assume that there is not a Senator here whose self-respect and sense of decency would have permitted him to have taken any other course. That was the situation which the Constitution required the President to advise with the Senate. Then the Senate would have been under no compulsion; it would have been free to have advised the President of its real thought and honest judgment, and the President in turn must have communicated the judgment of the Senate to the other members of the conference, and the objectionable provisions would never have been written into the treaty; or, if they had been written into it, it would have been with full notice that the treaty would be rejected by the Senate.

Suppose, sir, that during the course of the negotiations in Paris President Wilson had informed the Senate that it was proposed to write into the treaty a provision that Great Britain should have six times the voting strength of the United States in this league which was being formed, and asked the advice of the Senate upon that proposition. It would be an insult to every Member of the Senate to suggest that there would have been any dissent from the indignant declaration this body would have promptly transmitted to the President declaring its unalterable opposition to concurring in any such provision in the treaty.

Suppose, sir, the President from his secluded retreat at Versailles had informed the Senate that they proposed to put a provision in this treaty which would rob China, a sister republic and one of the allies in the war, of an area of territory larger than England, with incalculable wealth and great military importance, and turn it over to Japan. Why, sir, we can hardly imagine the indignation with which so monstrous a proposition would have been rejected by the Senate.

Mr. President, I might stand here and enumerate proposition after proposition in this document which shocks the moral sense of any rational mind, every one of which the Senate would unhesitatingly have advised the President should never find place in this treaty.

Why is it, Mr. President, that this was not the course pursued? Every person in this Chamber knows the answer. It was because the President was determined that the Senate should have no opportunity to express itself concerning this treaty or any of its shameful provisions until such time as he could coerce the Senate into taking the action he desired by holding over it the threat that, if the treaty was amended in any particular, peace would be indefinitely postponed.

I do not know whether the President was moved to take this course by anything other than a sincere but misguided conviction that he was really acting for the best interests of the people of the United States in signing this treaty, a large portion of which no man has ever undertaken to defend. I do not know to what extent, if any, an ambition to see himself the first president of the league of nations dulled his appreciation of the injustice involved in this treaty; but I can not conceive of a normal man, under normal conditions, who, being duly mindful of his responsibilities, could bring himself to set his hand and seal to the indefensible provisions of this treaty.

What the President's ambitions or what his motives and purposes were is immaterial. The course which he deliberately chose to take concerning this treaty, by which the Senate was deprived of all possibility of advising him respecting its terms until the Senate could be coerced, by the fear of continuing a state of war, into accepting the treaty, though contrary to its judgment, is just as much a violation of the Constitution as it would have been for the President to refuse to submit the treaty to the Senate at all.

The Constitution, when it required the President to advise with the Senate, intended in the first place that that advice should represent the deliberate, free thought and judgment of the Senate, and in the second place it was intended that it should be received at a time when the President was free to act upon it. The President so managed the negotiations respecting this treaty as to defeat the entire constitutional provision. He has proceeded exactly as though there was no requirement of the Constitution that he should advise with the Senate on the subject at all. He has gone even further than that. He has

proceeded in such a manner as to render it impossible for the Senate to advise with him effectively upon the subject, and also in such a manner as to compel the Senate to concur in the treaty or else leave the country still in a state of war. Every Senator knows that if this treaty is ratified without fundamental and far-reaching amendments it will be done not because a majority of the Senate are not in favor of such amendments, but because they are ready to forego the amendments in order to have peace formally declared. They have been placed by the President in a position where they must say to their constituents and to the country: "This is a shameful treaty, but the President left us no choice but to approve it or continue in a state of war. Of the two evils, we chose that which seemed to us the lesser." That, sir, in the last analysis is the whole of the argument which will prevail if this treaty is concurred in.

It would be an insult to the memory of the wise and patriotic men who framed our Constitution to suppose that they ever intended that the great treaty-making power with which they endowed the Senate should be so prostituted as to become merely a means of registering the President's will. We know that nothing of the sort was intended by the framers of the Constitution, and the language of the Constitution permits no such construction. Nothing of the sort can happen if Senators perform their sworn duty under the Constitution, no matter what are the desires and ambitions which move the President.

I am not arguing that a good treaty should be rejected or amended merely because a President disregarded the Constitution in refusing to advise with the Senate concerning it; but I do say that any treaty which comes into the Senate under such a cloud should be regarded with suspicion. The presumption is against it.

In the present case, however, the iniquities of the treaty are admitted. The ratification of this treaty is not demanded upon its merits, but only because its ratification is believed by some to be the lesser of two evils.

Mr. President, if the Senate meets its responsibilities and discharges its constitutional duty, this treaty will be either materially amended or it will be rejected so decisively that no President in the future will ever attempt to make a treaty involving matters of supreme importance in our international relations, to say nothing of an attempt to reconstruct our Government, without at least advising with the Senate in his monumental undertaking.

Mr. WALSH of Montana. Mr. President, in view of the very fierce attack made by the Senator from Wisconsin [Mr. LA FOLLETTE] yesterday and to-day on the President of the United States, charging him with having violated the Constitution of the United States in failing to take the advice of the Senate with respect to the treaty with Germany, I read from volume 1 of Willoughby on the Constitution, section 192, particular reference being made, in the extract which I shall read, to the experience of President Washington, to which reference has been made by the Senator in his remarks:

With respect to the manner in which treaty making is, according to the Constitution, to be conducted, the first question that arises is as to the extent to which the Senate may properly participate not only in the ratification but in the preliminary negotiation of international agreements.

In the same clause, indeed in the same sentence, of the Constitution in which provision is made for entering into treaties it is provided that the President "shall nominate and, by and with the advice of the Senate, shall appoint ambassadors, other public ministers, and consuls," etc. Here the phraseology shows that the act of nominating the public officials mentioned is clearly distinguished from their appointment. They are to be nominated by the President, but to be appointed by the Senate and President. The negotiating of treaties is not, however, by the phraseology of the treaty clause thus sharply distinguished from their ratification as regards the Federal organs by which this negotiation and ratification is to be performed. The language is that the President "shall have power, by and with the advice and consent of the Senate, to make treaties," not that "he shall negotiate and, with the consent of the Senate, ratify treaties."

As further indicative of an intended participation of the Senate in the negotiation of treaties is the fact, already adverted to, that in the convention, until almost the last moment, it was agreed that the treaty-making power should be vested exclusively in the Senate, a body the membership of which at that time it was thought would remain comparatively small.

Actual practice exhibits frequent instances in which the Senate has participated in the negotiation of treaties.

During the first years under the Constitution the relations between the President and the Senate were especially close. In 1789 President Washington notified the Senate that he would confer with them with reference to a treaty with certain of the Indian tribes and on the next day, and again two days later, went with Gen. Knox before that body for that purpose.

Again, in 1790, President Washington, in a written communication, asked the advice of the Senate as to a new boundary treaty to be entered into with the Cherokees. So, also, in 1791, he asked the Senate to advise him as to what answer to be made to the French chargé d'affaires with regard to a question of tonnage on foreign vessels.

John Quincy Adams in his memoirs relates that Crawford told him that Washington went to the Senate with a draft of a treaty; that "they debated it and proposed alterations, so that when Washington left the Senate Chamber he said he would be damned if he ever went

there again. And ever since that time treaties have been negotiated by the Executive before submitting them to the consideration of the Senate."

In fact, however, the Presidents did continue occasionally to consult with the Senate in regard to the negotiation of treaties.

In 1794, when sending the name of John Jay as envoy extraordinary to England, Washington explained to the Senate his purpose in doing so, and the same was done by President Adams in 1797 when nominating the special commission to France.

After the first few years under the Constitution, however, the practice on the part of the President of consulting the Senate with regard to the treaties to be negotiated, became an infrequent one, but yet not one wholly obsolete. Thus, in 1818, President Monroe asked the Senate whether he alone as Executive was constitutionally competent to arrange with Great Britain as to naval armaments upon the Great Lakes; and, if not, that they should give him advice as to the proper agreement with reference thereto, that should be entered into. Again, in 1830, President Jackson asked the advice of the Senate as to the terms of a treaty to be negotiated with the Choctaw Indians. His message, however, bears evidence to the fact that he is aware that he is departing from the practice of years immediately preceding, though not from that of the early period. He says: "I am aware that in thus resorting to the early practice of the Government, by asking the previous advice of the Senate in the discharge of this portion of my duties, I am departing from a long, and, for many years, unbroken usage in similar cases. But being satisfied that this resort is consistent with the provisions of the Constitution, that it is strongly recommended in this instance by considerations of expediency, and that the reasons which have led to the observance of a different practice, though very cogent in negotiations with foreign nations, do not apply with equal force to those made with Indian tribes, I flatter myself that it will not meet with the disapprobation of the Senate."

In the article already referred to Senator LODGE enumerates a not inconsiderable number of instances down to comparatively recent times in which the Senate has participated in the negotiation of treaties.

In a number of cases the Senate has by resolution suggested to the President that certain negotiations be initiated.

I read no further, Mr. President, except to say that the author agrees, as all who have inquired into the subject agree, that the practice is altogether exceptional, and that the rule is that the President does not confer with the Senate with regard to treaties until they have actually been negotiated.

I do not read from the volume before me for the purpose of refuting the able argument of the Senator from Wisconsin, but merely to show that the crime, if it be a crime, laid by him at the door of the President of the United States, is one which practically every President of the United States from Washington down has been guilty of. I do not need to say, Mr. President, that in this particular instance the President of the United States might not commendably have taken the Senate more freely into his confidence. I assert, however, that he was entirely within his constitutional rights, as the Constitution has been construed from the very earliest days of our history down to the present time, in the course he has taken.

Mr. President, I desire to submit another reference in this connection. There was at one time a Member of this body from the State of the Senator who has indulged in these animadversions upon the President of the United States who had no little distinction as an expositor of the Constitution. I refer to the late Senator John C. Spooner, from the State of Wisconsin. He had occasion to inquire into this matter, and had something to say about it on the 23d day of January, 1906. I read from the CONGRESSIONAL RECORD of that date, as follows:

The Senate has nothing whatever to do with the negotiation of treaties or the conduct of our foreign intercourse and relations save the exercise of the one constitutional function of "advice and consent," which the Constitution requires as a precedent condition to the making of a treaty. Except as to the participation in the treaty-making power the Senate under the Constitution has obviously neither responsibilities nor power.

And then, being interrogated by a Senator as to what significance he gave to the words "advice and consent," as used in the Constitution, he said:

The words "advice and consent of the Senate" are used in the Constitution with reference to the Senate's participation in the making of a treaty and are well translated by the word "ratification" popularly used in this connection. The President negotiates the treaty, to begin with. He may employ such agencies as he chooses to negotiate the proposed treaty. He may employ the ambassador, if there be one, or a minister or a chargé d'affaires, or he may use a person in private life whom he thinks by his skill or knowledge of the language or the people of the country with which he is about to deal is best fitted to negotiate the treaty. He may issue to the agent chosen by him—and neither Congress nor the Senate has any concern as to whom he chooses—such instructions as seem to him wise. He may vary them from day to day. That is his concern. The Senate has no right to demand that he shall unfold to the world or to it, even in executive session, his instructions or the prospect or progress of the negotiation. I said "right." I used that word advisedly in order to illustrate what all men who have studied the subject are willing to concede, that the Constitution, the absolute power of negotiation, is in the President and the means of negotiation subject wholly to his will and his judgment.

When he shall have negotiated and sent his proposed treaty to the Senate the jurisdiction of this body attaches and its power begins. It may advise and consent or it may refuse. And in the exercise of this function it is as independent of the Executive as he is independent of it in the matter of negotiation.

The views thus expressed by the eminent Senator were very warmly indorsed by the present senior Senator from Massa-

chusetts [Mr. LODGE], the chairman of the Foreign Relations Committee.

I believe, Mr. President, that at this stage of our history it is a little late to discuss the question as to whether the President of the United States violates the Constitution by submitting to the Senate a treaty for its advice and consent without having communicated with it during the course of negotiations. Mr. President, it does not make a bit of difference, so far as the crime is concerned, whether the treaties negotiated by a President of the United States without conferring with the Senate during the process of negotiations were important or unimportant. If the construction is correct that he violates the Constitution when he does not do so, it is entirely irrelevant whether he neglected to do it in the case of unimportant, even trivial treaties. It can not be contended, either, that the Presidents in the past have neglected to do so only in the case of unimportant treaties. In fact, quite the contrary has been the rule.

Mr. ROBINSON. Mr. President, supplementing briefly the statement which has just been made by the Senator from Montana [Mr. WALSH], I desire to call attention to some remarks made by the Senator from Ohio, Mr. Sherman, chairman of the Committee on Foreign Relations, in the Senate on August 7, 1888, which, I think, correctly state the power of the President in connection with the negotiation of treaties. He said:

The President of the United States has the power to propose treaties subject to ratification by the Senate, and he may use such agencies as he chooses to employ, except that he can not take any money from the Treasury to pay those agents without an appropriation by law. He can use such instruments as he pleases.

That excerpt is taken from a statement made by Mr. Sherman on August 7, 1888. It has been apparent, during the course of this debate, that there is an implied, if not an expressed, criticism of the President for his failure to appoint members of the peace commission. There are three distinct proceedings in the making of a treaty—the negotiation, the advice and consent by the Senate, and the exchange of ratifications. The first and the last—the negotiation of the treaty and the exchange of ratifications—are, according to all the authorities with which I am familiar, exclusively executive functions.

I do not express an opinion as to the wisdom of the policy pursued by the President in failing to include Senators as representatives of this Government at the peace conference, but merely remark that the proceedings in the Senate—the debates—disclose that upon the part of some Senators, at least, he could not have secured sincere cooperation and assistance in the preparation of any treaty of peace which might have been acceptable to the Senate, and if the disagreements that have been expressed in the Senate as to what the treaty should contain had been reflected in the peace conference it is probable that the resurrection would have occurred before any treaty would have been successfully negotiated and submitted to the Senate.

The very eminent authority referred to by the Senator from Montana [Mr. WALSH] made another statement, in addition to that read by the Senator from Montana, which I take the liberty of reading into the RECORD as reinforcing the argument and position of the Senator from Montana. Mr. John C. Spooner made the declaration in the Senate on January 26, 1906:

The President is so supreme under the Constitution in the matter of treaties, excluding only the Senate's ratification, that he may negotiate a treaty, he may send it to the Senate, it may receive by way of "advice and consent" the unanimous judgment of the Senate that it is in the highest degree for the public interest, and yet the President is as free, when it is sent back to the White House with resolutions of ratification attached, to put it in his desk never again to see the light of day as he was free to determine in the first instance whether he would or would not negotiate it. That the power is not expressly given to the President by the Constitution, but it inheres in the executive power conferred upon him to conduct our foreign relations, and it is a power which inheres in him as the sole organ under the Constitution through whom our foreign relations and diplomatic intercourse are conducted.

Thus, Mr. President, it appears that the duty devolves upon the Executive to negotiate a treaty and to make exchange of ratifications.

Senators who spend their time day after day in bitter denunciation of the President of the United States for his failure to consult them and to procure in advance their advice concerning the discharge of his functions may well attempt in the same connection to satisfy the country that they are efficiently discharging their constitutional functions. During the last six months two important measures, and only two, outside of the great appropriation bills, have been before the Senate of the United States. The first is the treaty of peace, and now, in an hour when the session is drawing to a close, it appears probable that final action may not be taken on the treaty, that there may be a failure to finally dispose of that all-important subject during the present session.

The other important question is the disposition of the railroads now under Federal control. We have sat here month after month and listened to the recitation of arguments with which we are all familiar. There is not a Senator in this Chamber or outside of it who does not know that the argument which we make here now will not influence or change the votes of Senators on the important questions relating to this treaty. Yet we are preventing the Congress from considering and disposing of other important subjects, including the railroad question, by constantly holding in front of it this subject, the treaty of peace, which should have been ratified long ago.

I believe in freedom of debate, and so long as any Senator fairly believes that he can impress his viewpoint upon his colleagues, debate may well continue, but day after day, week after week, we have heard the same arguments repeated over and over, and now in a few days the session will close, and there is a probability, a possibility if not a probability, that it will expire without a single important act having passed the Congress.

The responsibility for legislation now is primarily upon the other side of this Chamber—upon the majority. If they want to assume responsibility for holding up the final disposition of the treaty of peace, if they want to assume the responsibility for failing to consider and determine the railroad question, let them do so. But this country will know where that responsibility rests, and the majority must bear that responsibility. They can not, they shall not, escape it.

Mr. LODGE. Mr. President—

Mr. HITCHCOCK. Will the Senator yield to me for a moment?

Mr. LODGE. No; I am going to suggest the absence of a quorum, as I want to have the pending amendment disposed of.

Mr. HITCHCOCK. I simply desire to ask to have a reprint of Document 139, which is supposed to be a compendium of reservations, so that it may be correct up to date, and include the reservation offered by the Senator from Massachusetts on behalf of the Committee on Foreign Relations the last session, and also all other reservations that have been offered.

Mr. LODGE. The others are not in the document?

Mr. HITCHCOCK. Not the others.

Mr. LODGE. I have no objection to the request.

Mr. HITCHCOCK. I simply desire to have it brought up to date, and to include all reservations pending at the present time.

The PRESIDING OFFICER (Mr. SMOOR in the chair). Without objection, the request of the Senator from Nebraska is granted.

Mr. LODGE. The pending amendment is the amendment offered by the Senator from Oklahoma [Mr. GORE]. I hope we can now take a vote upon it. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McCumber	Simmons
Ball	Gronna	McKellar	Smith, Ariz.
Borah	Hale	McLean	Smith, Ga.
Brandegee	Harris	McNary	Smith, Md.
Calder	Harrison	Moses	Smith, S. C.
Capper	Henderson	Nelson	Smoot
Chamberlain	Hitchcock	New	Spencer
Colt	Johnson, Calif.	Newberry	Sterling
Culberson	Johnson, S. Dak.	Norris	Sutherland
Cummins	Jones, N. Mex.	Nugent	Swanson
Curtis	Jones, Wash.	Overman	Thomas
Dial	Kellogg	Owen	Townsend
Dillingham	Kendrick	Page	Trammell
Edge	Keyes	Phipps	Underwood
Elkins	King	Pittman	Wadsworth
Fall	Kirby	Pomerene	Walsh, Mass.
Fernald	Knox	Ransdell	Walsh, Mont.
Fletcher	La Follette	Reed	Warren
France	Lenroot	Robinson	Watson
Frelinghuysen	Lodge	Sheppard	Williams
Gay	McCormick	Sherman	Wolcott

The PRESIDING OFFICER. Eighty-four Senators have answered to their names. There is a quorum present.

The pending question is on the amendment offered by the Senator from Oklahoma [Mr. GORE]. [Putting the question.] The yeas seem to have it. The yeas have it, and the amendment is rejected.

Mr. LODGE. That is the last amendment to be offered that I am aware of.

Mr. LA FOLLETTE. I ask for the yeas and nays on the amendment offered by the Senator from Oklahoma.

Mr. UNDERWOOD. I make the point of order that the request comes too late.

Mr. LA FOLLETTE. Then we will take time to present it in the Senate later, and will have a roll call on it there.

Mr. LODGE. I hope the Senator from Alabama will withdraw the point of order.

Mr. GRONNA. I ask unanimous consent for a reconsideration of the vote just taken.

Mr. LODGE. I am perfectly willing to have the vote taken by yeas and nays.

The PRESIDING OFFICER. Is there objection to a reconsideration?

Mr. UNDERWOOD. Will the Chair have the amendment read?

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 27, line 5, at the end of the first paragraph of article 12 of the covenant of the league of nations, after the words "they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council," insert the following: "and not then until an advisory vote of the people shall have been taken"; so that the first paragraph of article 12 will read:

The members of the league agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council, and not then until an advisory vote of the people shall have been taken.

The PRESIDING OFFICER. The junior Senator from North Dakota [Mr. GRONNA] asks unanimous consent that the vote by which the amendment was rejected shall be reconsidered. Is there any objection? The Chair hears none, and the vote is reconsidered. The question is on agreeing to the amendment.

Mr. REED. Mr. President—

Mr. GORE. Will the Senator allow me to say that a request for the yeas and nays was pending; that I made it yesterday at the time I concluded my remarks?

Mr. LA FOLLETTE. I think that is true. I think the yeas and nays were requested by the Senator from Oklahoma at the time he concluded his remarks. I am not sure whether they had been ordered or not.

The PRESIDING OFFICER. The Chair will state that he is informed that the yeas and nays were requested, but had not been ordered.

Mr. REED. I yield for the purpose of having that request presented at this time.

Mr. GRONNA. Upon the amendment now pending I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. REED. Mr. President, I want just enough time to explain the vote I intend to cast upon this amendment.

Ordinarily I do not believe in the doctrine that war shall never be declared except after a referendum vote. I believe that proposition is impracticable. I believe that when nations are called upon to act in some great emergency they must generally act quickly and that there is no time for a referendum vote. Indeed, the life of a nation may be sacrificed by a delay of a few hours. The great wars of history have demonstrated that they are not arranged, like prize fights, days in advance, with all arrangements made and an audience invited. Some nations strike quickly, and because that occurs, or is likely to occur, it is absolutely necessary that any sovereign nation shall have reserved to its government, in some of its branches, the right to determine when and how the nation shall strike or act in a great emergency.

Whoever has perused the history of great wars knows that it may be said with practical certainty that there never has been a great war when the very conditions to which I have referred have not obtained. If I remember correctly, Japan attacked Russia and sunk a part of Russia's fleet before she even declared war at all. If you undertook to apply to the last war the ridiculous—and it is to me ridiculous—proposition of a referendum vote, you would find that while the rest of the countries were voting Germany would have been marching.

Of course, a referendum vote, if it applied to every nation and would be observed by every nation, would be quite a different thing; but as the world is constituted today and as the world will be constituted even if the covenant of the league of nations is adopted, it still remains true that any nation at any moment might disregard these obligations, if we were to write them into the league of nations itself, and prepare to strike some other nation. No man can say what the circumstances will be. While one nation is voting another nation will be capturing its citadels, landing its troops on its soil, and closing its ports.

Of course, if we can bring all the nations of the world into a society of nations; if we can set up a supergovernment; if that supergovernment is going to control; and if everybody is going to observe the conditions of the agreement, then it may be all right to agree never to fight until we vote; but we ought

to add to that that we will not fight after we have voted; that we will settle everything without war.

Here is the anomaly that is presented to-day to the world by this treaty or this compact: It proposes that we shall settle all wars, and yet it provides for war. It pretends that we are going to create an organization that will end war, and yet it directly specifies the terms and the conditions upon which war can be made even among members of the league. A question is submitted for decision to the council or to the assembly which involves a dispute between two nations, and if there is not a unanimous vote in the council and a unanimous vote in the assembly of the members of the council plus a majority vote of the other members of the assembly, then any nation is at perfect liberty to make war if it sees fit. There is a delay of three months specified.

Now, the Senator from Oklahoma [Mr. GORE] seeks to add to that clause the proposition of a vote, and I believe that his proposition of a referendum to the people is logical as attached to that clause. I am going to vote for it as an amendment to that clause, because I think it is consistent with it; but if it stood alone as a naked proposition to be submitted to the nations of the world, I could not vote for it. If, however, we are to adopt the proposition of three months' delay, there is no reason, in my opinion, why we can not add to that period of delay the further condition of a vote by the people. So, upon that ground, and that alone, I intend to vote for this resolution.

Mr. GRONNA. Mr. President, I do not wish to delay the taking of a vote upon the pending amendment, but it is an amendment which I believe means a great deal to the people of the country. I have always advocated the elimination of war. I have always believed that it would be possible for Congress to enact a law which would give the people of the country the right, at least in an advisory way, to say whether or not we should go to war. I know that such a statement is very displeasing to some of the ultraradicals and were it not for the fact that some of them are now pleading for peace merely for the purpose of adopting this treaty, I think I could hear their voices raised in denunciation of such a proposition. I am anxious to have a record vote on this proposition regardless of whether my associates on this side favor it or not.

The people of the country furnish the men to fight the war. The mothers of the country rear the children and their parents educate them; the people of the country pay for the wars; Congress does not pay for the wars; Congress only appropriates the money, which belongs to the people; yet it seems that some would make us believe that we ought to be rebuked and punished when we suggest the proposition that an advisory vote shall be taken whether or not we shall go to war. No man who is honestly and sincerely for lasting and permanent peace and who wishes to obviate war will oppose a proposition like that offered by the Senator from Oklahoma [Mr. GORE].

Mr. President, those of us who had our sons in the late conflict know what war means. I realize, of course, that for a person who is not opposed to war and who has no one, especially no boys of his own, to send to war, such a person does not find it so difficult to vote for war.

We are now beginning to realize what it has cost us to go through all these wars, first our Revolutionary War, and then what it cost us to perpetuate this Union, when we had an internecine strife. Is it not reasonable to believe that when it is only internecine strife we could at least obviate or eliminate war?

Nobody is complaining, Mr. President—at least, I am not complaining—because we have in the past engaged in war; but we are proposing now to prevent war and to promote lasting peace. I do not know by what mode of reasoning we can say that there shall be no more wars, while we are preparing for war to the utmost, building up armies and navies, expending the people's money by the billions, and taking it out of the power of the people to say, even in an advisory manner, whether we shall have war. I can not see how you are going to square such activities with your mode of reasoning nor how you are going to perpetuate peace.

Militarism breeds wars. If Germany had not been prepared, as she had been preparing for years, she would not have marched her armies into Belgium and France, and her Government would not have been destroyed. It was militarism that destroyed Germany, and the people of Germany had nothing whatever to say about the war. It was the military chiefs who built up that powerful military machine.

However, it seems, Mr. President, that it is always very dangerous, because it might set a bad precedent, to submit anything to the judgment of the American people. I may be entirely mistaken, but I honestly and sincerely believe that the amendment proposed by the Senator from Oklahoma, if it is

written into this treaty, will be one of the most effective means of obviating future wars. We refuse to reduce armaments; instead of reducing armaments, we are by the very provisions of the pending treaty holding up and increasing them.

Mr. President, I have no hesitancy in saying that if this amendment stood by itself alone I should be very glad to vote for it.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Oklahoma [Mr. GORE]. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair for the day with the Senator from Rhode Island [Mr. GERRY]. In view of his absence I withhold my vote.

Mr. JOHNSON of California (when his name was called). I have a pair with the senior Senator from Virginia [Mr. MARTIN], and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. OVERMAN (when Mr. SHIELDS's name was called). I desire to announce that the senior Senator from Tennessee [Mr. SHIELDS] is detained at home on account of sickness. If present, he would vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. As he is absent, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have been informed that the senior Senator from Pennsylvania [Mr. PENROSE], with whom I have a pair, has not voted. That being the case, I transfer my pair with that Senator to the senior Senator from Alabama [Mr. BANKHEAD] and vote "nay."

Mr. WOLCOTT (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. I transfer that pair to the senior Senator from California [Mr. PHELAN] and vote "nay."

The roll call was concluded.

Mr. JOHNSON of South Dakota. I should like to ask if the Senator from Maine [Mr. FERNALD] has voted?

The VICE PRESIDENT. He has not.

Mr. JOHNSON of South Dakota. I have a pair with that Senator which I transfer to the junior Senator from Kentucky [Mr. STANLEY] and vote "nay."

Mr. MCKELLAR. I wish to announce the absence on official business of the Senator from California [Mr. PHELAN] and the Senator from Rhode Island [Mr. GERRY].

Mr. SHEPPARD. The Senator from Tennessee [Mr. SHIELDS] and the Senator from Alabama [Mr. BANKHEAD] are detained from the Senate by illness. The senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business.

The result was announced—yeas 16, nays 67, as follows:

YEAS—16.

Ball	France	Knox	Moses
Borah	Gore	La Follette	Norris
Capper	Gronna	McCormick	Reed
Elkins	Jones, Wash.	McLean	Sherman

NAYS—67.

Ashurst	Harrison	Nelson	Smith, Md.
Brandeggee	Henderson	New	Smith, S. C.
Calder	Hitchcock	Newberry	Smoot
Chamberlain	Johnson, S. Dak.	Nugent	Spencer
Colt	Jones, N. Mex.	Overman	Sterling
Culberson	Kellogg	Owen	Swanson
Cummins	Kendrick	Page	Thomas
Dial	Kenyon	Phipps	Townsend
Dillingham	Keyes	Pittman	Trammell
Edge	King	Polindexter	Underwood
Fall	Kirby	Pomerene	Wadsworth
Fletcher	Lenroot	Ransdell	Walsh, Mass.
Frelinghuysen	Lodge	Robinson	Walsh, Mont.
Gay	McCumber	Sheppard	Warren
Hale	McKellar	Simmons	Williams
Harding	McNary	Smith, Ariz.	Wolcott
Harris	Myers	Smith, Ga.	

NOT VOTING—13.

Bankhead	Gerry	Phelan	Watson
Beckham	Johnson, Calif.	Shields	
Curtis	Martin	Stanley	
Fernald	Penrose	Sutherland	

So Mr. GORE's amendment was rejected.

Mr. LODGE. Mr. President, I move the adoption of the following conditions and reservations to be incorporated in the resolution of ratification.

Mr. BORAH. Mr. President, is the Senator now taking up the reservations?

Mr. LODGE. Yes.

Mr. BORAH. I have a couple of amendments. I have no desire to discuss them, because I am not able to-day to discuss them, or else I should; but unless we can have an understand-

ing—and I do not suppose we can—I want to offer those amendments before the reservations are taken up.

Mr. LODGE. I suppose those amendments can be offered at any time.

Mr. BORAH. I should be glad if they could go over, because I am not in a condition to debate them. I should like a little time, but not much.

Mr. LODGE. The offering of the reservations, I take it, will not cut them off. I am not aware of anything that will prevent their being offered in Committee of the Whole.

Mr. UNDERWOOD. Mr. President, I should like to ask the Senator from Massachusetts a question with reference to the parliamentary situation.

My understanding is, under the rules, that the reservations relate to a resolution adopting the treaty, and that resolution is supposed to reflect the voice of the Senate, the conclusions of the Senate. It seems to me that it is clearly out of order to adopt a resolution of ratification or rejection until the Senate has reached a conclusion with reference to what amendments it desires to adopt.

Mr. LODGE. If the Senator will allow me to interrupt him, I am not offering the resolution of ratification.

Mr. UNDERWOOD. I understand that, but the Senator is proposing an amendment to a resolution.

Mr. LODGE. I am not. I am proposing conditions and reservations to be added to and incorporated in the resolution of ratification when that resolution is presented, which is always the last thing.

Mr. UNDERWOOD. I judged, from what the Senator was proposing to do, that he proposed to offer reservations at this time and have a vote on them.

Mr. LODGE. I do.

Mr. UNDERWOOD. Of course, if the Senator is only offering them for the information of the Senate, that is a different proposition.

Mr. LODGE. No, Mr. President; I propose to offer them now for action, and, if the Chair will permit me, reservations are not mentioned in the rules at all. The practice has been hitherto to offer reservations the last thing in the Senate, with the resolution of ratification. I am unable to see why they can not be offered in Committee of the Whole exactly as an amendment is offered, to be placed, exactly as an amendment has to be placed, upon the resolution of ratification when it is reached. That resolution can not be dealt with until the Senate has determined what amendments, if any, to make to the treaty, and what reservations, if any, it will adopt; and I have come to the conclusion, after studying the rules, that there is no reason why the reservations to be incorporated should not be offered at this stage, in order—as this treaty is of peculiar moment, unlike any other we have ever had—that the Senate may consider them in Committee of the Whole, and subsequently in the Senate, before final agreement to them.

Mr. UNDERWOOD. Mr. President, I think this question is a matter of importance to our procedure, because we have got to know where the line rests when we finally go to vote. I think that the offering of reservations in the Committee of the Whole and not in the Senate proper is undoubtedly in contravention of the letter of the rules of the Senate. As to whether the rules of the Senate can limit the constitutional power of this body to adopt reservations or amendments, I have my doubts, and I am not concerned about that part of it. So far as I am personally concerned I am not concerned as to whether it is against the letter of the rules of the Senate or not. I have no objection to the Senator offering his reservations in the Committee of the Whole instead of waiting to go into the Senate, but I do think it is important and necessary that we dispose of all of the amendments, and then take up the reservations to the resolution of ratification. If I may have the attention of the Chair for a moment, while I am not taking issue with the Senator on the question as to whether he can offer his reservations in the Committee of the Whole, I contend that it is not in order to offer these reservations in the Committee of the Whole or in the Senate until either the Committee of the Whole or the Senate has disposed of amendments.

Now, the rule distinctly says that the first business before the Senate shall be the disposition of amendments.

It is true, as the Senator from Massachusetts says, that the rule ignores reservations. It says nothing about offering reservations, but it does say that after the Senate has adopted or rejected such amendments as are proposed to the treaty, then a resolution of ratification shall be in order. A reservation is not standing out separate from a resolution of ratification or rejection. In the end it must be a part of it. Of course, if the Senator wanted to offer some interpretation independently of the resolution of ratification, and that was all he desired, he

might make progress with great ease, because there are many of us who are very much opposed to an amendment of the treaty, either by a textual amendment or a reservation, who are not very much concerned what interpretation the Senator or anybody else desires to put on the treaty.

The point I make is that, although reservations are not mentioned in the rule, the rule prescribes that the first business shall be amendment and that the next business shall be the adoption of a resolution of ratification that reflects the action of the Senate in the Committee of the Whole.

Mr. LODGE. That is not the next step.

Mr. UNDERWOOD. It is a subsequent step.

Mr. LODGE. No; they have to go to the Senate.

Mr. UNDERWOOD. Of course.

Mr. LODGE. "Of course" that is a very different proposition.

Mr. UNDERWOOD. I think, myself, under the strict rule, we could not offer a reservation here; but I have no objection to that, Mr. President. I am not seeking to press that point, as far as I am personally concerned. The point that I am pressing is that amendments must be first disposed of, because a reservation such as has been offered here, and such as I suppose the Senator is offering—

Mr. BORAH. Mr. President, I can protect my position by offering a reservation to cover the same things, referring to articles 10 and 11. I understand that is the point the Senator refers to?

Mr. UNDERWOOD. Certainly; I have no objection to voting on the amendments, but I want it to be understood that the amendments are closed before we go to a vote on reservations.

Mr. BORAH. The amendments which I am proposing to offer have already been drawn as reservations, and it was a mere matter of what I thought was courtesy to the committee of which I was a member that I offer them as amendments rather than as reservations, because the report of reservations by the committee did not cover them. I am perfectly willing to withdraw them as amendments; and if the amendments do not cover the subject satisfactorily, I will offer them as reservations.

Mr. UNDERWOOD. That is entirely satisfactory. The only point I was trying to make, Mr. President, was that we should not go into the question of adopting reservations and then go back to amendments. I wanted it understood that that door is closed when we took up reservations.

Mr. LODGE. Amendments can be offered in the Senate, of course.

Mr. UNDERWOOD. That is a question that is open to debate when we get to the Senate.

Mr. LODGE. I think I might as well read the rule:

When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie over one day for consideration; after which it may be read the second time, and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately, or in gross if no Senator shall object; after which new amendments may be proposed.

Mr. President, I have given this matter a great deal of reflection. I am not going to repeat what I have already said, but it seems to me that as that rule stands, it is entirely in order to offer reservations in Committee of the Whole, and I think there are many reasons that might be adduced in its support. But I do not wish to delay the discussion by debating the point of order.

The VICE PRESIDENT. The Chair understands that the Senator from Alabama [Mr. UNDERWOOD] has withdrawn his point of order.

Mr. UNDERWOOD. I only made the point of order against the offering of reservations.

The VICE PRESIDENT. The Chair understood that the point was that if the Senator from Idaho [Mr. BORAH] had amendments to offer, that they must be first disposed of before the reservations.

Mr. UNDERWOOD. Undoubtedly, Mr. President.

The VICE PRESIDENT. There is no point of order pending now, the Chair understands.

Mr. UNDERWOOD. My position was that whether in the Senate or in Committee of the Whole, after we have taken up the resolution of ratification and the reservations, it is too late then to offer amendments either in the Senate or in Committee of the Whole.

Mr. LODGE. If the point of order has been withdrawn, Mr. President, I will offer the reservations.

Mr. SWANSON. I would like to understand what is the parliamentary situation. I understand the Senator from Massachusetts proposes at this time to offer reservations?

Mr. LODGE. I do.

Mr. SWANSON. Which would constitute amendments?

Mr. LODGE. I say nothing about constituting amendments. If the Senator had listened to what I move—

Mr. SWANSON. I listened very carefully.

Mr. LODGE. I moved the adoption of the following conditions and reservations to be incorporated in a resolution of ratification, which I do not, of course, offer now.

Mr. SWANSON. I understood that. Does the Senator insist that that would be in order now until the resolution of ratification is before the Senate?

Mr. LODGE. I think they are in order now. I think they are in order in the Senate. I do not think it is possible to deal with the resolution of ratification until the Senate has determined what is to go upon it, whether there are amendments to go upon it, or whether there are reservations to go upon it.

Mr. SWANSON. The only thing that seemed to me to be ambiguous was that these are offered as reservations which would be included in the resolution of ratification; that before the resolution of ratification is before the Senate you offer amendments to something you will afterwards propose to adopt. The parliamentary question I ask is, Suppose your resolution of ratification, with these reservations having been adopted in the committee, should be rejected, what would be the parliamentary status then?

Mr. LODGE. After the resolution of ratification has been defeated?

Mr. SWANSON. If the resolution should be defeated.

Mr. LODGE. The only motion then in order would be a motion to reconsider, and bring the treaty back into the Senate.

Mr. SWANSON. If the question of reconsideration then can come up, it would reopen the entire question, as the Senator understands it?

Mr. LODGE. Mr. President, I propose to offer each one of these reservations separately, so that there will be a vote upon each one. If that course is pursued in Committee of the Whole and in the Senate, of course, if a vote is taken on each reservation, each reservation would have to be reconsidered, just as if you bring a bill back, you must reconsider each amendment. But they will all be open to reconsideration in the Senate.

Mr. SWANSON. I ask the Senator this question: After you have offered reservations, and some have been adopted and others rejected, the resolution of ratification, if the resolution of ratification with the amended reservations, as you call them, should be rejected, what is the parliamentary situation then, as the Senator conceives it?

Mr. LODGE. My attention was diverted a moment. The Senator asks what would happen after a vote for reconsideration?

Mr. SWANSON. What does the Senator consider the parliamentary situation then? You offer reservations to be included in the resolution of ratification. They are agreed to, say, by the Senate in Committee of the Whole. Then you include them in your resolution of ratification. If that resolution of ratification should be rejected, including the reservations, what does the Senator consider that the parliamentary situation would then be before a reconsideration is had?

Mr. LODGE. Of course, a motion to reconsider must always apply to the vote which it is moved to reconsider. The motion would have to come, of course, from the prevailing side, which would be the minority of more than one-third.

Mr. SWANSON. Regardless of the side from which it comes?

Mr. LODGE. The Senator does not allow me to state the case.

Mr. SWANSON. I will allow the Senator to proceed.

Mr. LODGE. I have to go through these painful details in order to make it clear to my own rather slow-moving mind. You bring it back by a motion made by one of the prevailing side to reconsider, and you reconsider the vote by which the resolution was rejected, and that brings it back into the Senate with all the reservations attached to it.

Mr. SWANSON. Then what is the Senator's interpretation as to the right to substitute reservations which would then be offered or to consider the entire matter of reservations?

Mr. LODGE. The whole resolution and all the reservations, of course, are open—

Mr. SWANSON. Would be fully open to reconsideration in the Senate?

Mr. LODGE. They would have to be reconsidered.

Mr. SWANSON. I say, they would be entitled to a full reconsideration?

Mr. LENROOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. I yield.

Mr. LENROOT. Would not the situation be, if the vote were reconsidered, to leave the resolution exactly in the same situation it was in immediately before the vote was taken?

Mr. LODGE. Certainly.

Mr. LENROOT. And subject to any parliamentary procedure that was then to be taken?

Mr. LODGE. Absolutely.

Mr. SWANSON. The only point I want to have cleared up is, if reservations have been adopted in the Senate, and then you move to reconsider, what effect would their adoption in the Senate have on the reconsideration of the resolution of ratification?

Mr. LODGE. If you reconsider it, that would bring the resolution of ratification and the reservations back into the Senate.

Mr. SWANSON. To do as it pleases with?

Mr. LODGE. Subject to any parliamentary procedure, as the Senator from Wisconsin has just suggested.

Mr. UNDERWOOD. I would like to ask the Senator from Virginia a question.

Mr. BRANDEGEE. Mr. President, is anyone recognized as having the floor?

The VICE PRESIDENT. I do not know who has the floor.

Mr. LODGE. I thought I had the floor.

Mr. BRANDEGEE. It may be immaterial, but—

Mr. LODGE. I yield to the Senator from Connecticut.

The VICE PRESIDENT. I think the Senator from Massachusetts had the floor.

Mr. LODGE. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I want, for the purpose of the record, to read a paragraph of the rule which provides how a resolution of ratification shall be formulated. The rule states that—

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise; at which stage no amendment shall be received, unless by unanimous consent.

Mr. REED. Mr. President, I call for order in the Chamber. We can not hear what is going on.

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from North Dakota?

Mr. LODGE. I yield.

Mr. McCUMBER. Mr. President, I should like to put this matter in a very definite and concrete form. I would like to have the Senator from Massachusetts state, in his opinion, after there has been a vote to reconsider the vote by which the resolution was passed, and that vote has carried and the matter has been reconsidered, whether the resolution is then subject to amendment by the Senate or whether the only thing we can do is to vote again as to whether it shall pass or not.

Mr. LODGE. Mr. President, in the situation the Senator from North Dakota has described, it is certainly open to a motion to recommit, which would bring it back into the Senate in the same position and open to all amendments that it had at the beginning. A motion to recommit could not be cut off. As to the procedure of going back through each reservation then in Committee of the Whole, I am not clear, because the Senate has more than once, I find from the executive journals, reconsidered the vote and taken the resolution of ratification carrying the amendments right back into the Committee of the Whole. But it was done, I suppose, by unanimous consent. It could undoubtedly be done, because it has been done.

Mr. OVERMAN. In the event, Mr. President, that we come to reconsider the question in Committee of the Whole of reservations adopted, we would have to reconsider each reservation that you now present.

Mr. LODGE. That is the rule always. Of course, you can not reconsider 10 votes by one motion to reconsider. You have to reconsider each vote.

Mr. OVERMAN. As I understand the Senator, then, if it is recommitted to the Committee of the Whole we will have to go over every reservation that has been adopted in Committee of the Whole.

Mr. LODGE. If it is recommitted, it has to start as with a new matter.

Mr. McCUMBER. Recommit it to the Committee on Foreign Relations, the Senator means, and not recommit it to the Senate.

The point I wanted to get at is whether, when it is recommitted by the Senate, we can amend any one of the reservations that had been previously adopted by the Senate. I would like the view definitely, if the Senator from Massachusetts will give it, as to whether that can be done or whether it will have to go back to the Committee on Foreign Relations.

Mr. LODGE. It certainly can be done by a recommitment to the Committee on Foreign Relations, and therefore it can be reached in the same way. It is only another step. If a majority of the Senate desire to reconsider and go over all the reservations again, the regular procedure is open to them to do it.

Mr. McCUMBER. But suppose the Senate does not wish to refer it back to the Committee on Foreign Relations and refuses to do so, can we then amend the reservations which we have adopted before that time?

Mr. LODGE. If there are a majority having the power to make changes in the reservations, they could recommit to the committee and bring it out of the committee and make any changes they want.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. LODGE. Certainly.

Mr. NELSON. It seems to me the difficulties which have been suggested would vanish if we took the right course. The proper course is to do as we do in the case of a bill, not to vote upon what amendments we will put into the bill, but to take the bill and consider amendments. The proper way to get reservations before the Senate is to offer a resolution of ratification containing the reservations in detail, and then take up and consider those amendments to that resolution. Then we get the subject before us in the only orderly and proper way. With the resolution of ratification and the different amendments or reservations in it, we can then take them up one by one as we would the paragraphs of a bill. That is the only legitimate way to do it.

Mr. LODGE. That is precisely what I propose to do, but the resolution of ratification can not be introduced until the last thing. The procedure is uniform. You can not present your final resolution of ratification until you know what is going on it, and you can not know what is going on it until the Senate has dealt both with the amendments which have to go on the resolution of ratification and the reservations which have to go on it.

The practice hitherto has been to present reservations up to the last stage, and then introduce the resolution of ratification. I took this step, which I thought the rules allowed, on account of the gravity of the situation, and also to meet a point which has been suggested to me and which I think is a point of great importance, and that is that many Senators have stated on the floor of the Senate that they were voting against amendments because they preferred to have them covered by reservations. Now, suppose that a reservation desired by a Senator to cover an amendment against which he voted, preferring the reservation method, when it is offered in the Senate is not satisfactory, or suppose the reservation is defeated, then he is deprived of his opportunity to vote on an amendment, and still he does not get the reservation which he desired and which guided his first vote on the amendment.

I introduced this in the Committee of the Whole because I thought, in a question of this gravity, there ought not to be any narrowness of parliamentary action, but there ought to be every possible opportunity for the Senate to deal with these reservations one by one in Committee of the Whole. Then, in the Senate there is an opportunity to deal with them again before they are attached to the resolution of ratification, which is nothing but an enacting clause. My purpose was to give the greatest latitude possible for dealing with the reservations.

Mr. NORRIS. Will the Senator from Massachusetts yield to me?

Mr. LODGE. I yield.

Mr. NORRIS. I think I know the Senator's idea, and it seems to me he ought to make one point clearer. As he said, a great many Senators have voted against amendments on the theory that they would vote for reservations covering the same point. If the Senator's procedure is followed and he introduces his reservations in Committee of the Whole, if those Senators who are going to support those reservations, where they voted against amendments providing for similar things, find they are defeated in voting for the reservations, they will still have in the Senate an opportunity to vote for the amendments.

Mr. LODGE. Precisely. That is the point I made.

Mr. NORRIS. If you do not take that course, those Senators would be shut off from that right.

Mr. LODGE. I did not make it as clear as the Senator from Nebraska has done. That is the precise point. The whole purpose of my course here is not to restrict or cut off, but on the contrary to open the doors as wide as possible in our parliamentary procedure so that reservations can be dealt with in the most liberal way and in the manner in which, in my opinion, the gravity of the subject demands.

Mr. SWANSON. Will the Senator yield to me for a minute?

Mr. LODGE. I yield, with pleasure.

Mr. SWANSON. I understand this to be the contention of the Senator from Massachusetts: These amendments—reservations, as he calls them—are adopted in Committee of the Whole. They come to the Senate and are adopted. They are then included in the resolution of ratification really as amendments. Then, say, that resolution of ratification, including these amendments, is defeated. I think if the resolution of ratification is defeated, others are in order. I believe that is clear.

Mr. LODGE. Others are not in order until a reconsideration has taken place.

Mr. SWANSON. Conceding that now, though I know that will be debated later—

Mr. LODGE. Yes; we will debate it later.

Mr. SWANSON. The Senator insists the only way we can offer another resolution of ratification is to move to reconsider. That is his contention. What I want to get the Senator to make plain to the Senate is what is the effect of the resolution after a reconsideration, and in what status does that leave the treaty before the Senate?

Mr. LODGE. It brings back the treaty and the resolution of ratification.

Mr. SWANSON. It brings back the entire treaty?

Mr. LODGE. Certainly.

Mr. SWANSON. And the resolution of ratification?

Mr. LODGE. With the reservations and amendments, if there are any, attached to the resolution.

Mr. SWANSON. I would like to ask this question: If the resolution is reconsidered, what do you consider; only the resolution of ratification that was rejected?

Mr. LODGE. The Senator is too old a parliamentarian not to know that we can consider but one vote at a time. We may reconsider the vote by which the resolution was rejected, and that brings it back.

Mr. SWANSON. As it passed—

Mr. LODGE. Just as it left the Senate.

Mr. SWANSON. As it passed the Senate. Do I understand the Senator contends that that leaves open to the Senate every question of ratification on all the separate reservations?

Mr. LODGE. Certainly.

Mr. SWANSON. And all the other amendments?

Mr. LODGE. Of course it does, because it is open to a motion to recommit.

Mr. SWANSON. Without that motion, what would the status be?

Mr. LODGE. That I am not prepared to say, because the Senate has pursued a different course in regard to that on different occasions.

Mr. THOMAS and Mr. LENROOT addressed the Chair.

Mr. LODGE. My own judgment would be that in the Senate they could reconsider each vote on each reservation, if separate votes were taken.

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. I yield to the Senator from Wisconsin [Mr. LENROOT].

The VICE PRESIDENT. The Chair inquired if the Senator from Massachusetts would yield to the Senator from Colorado.

Mr. LODGE. I do.

Mr. THOMAS. I merely rose to suggest that it would be much better if we get to voting and leave the results in the hands of Providence.

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. I yield.

Mr. LENROOT. When the Senator replied to the Senator from Virginia that the reservations would be open to reconsideration he, of course, meant under the rules of the Senate.

Mr. LODGE. Of course.

Mr. LENROOT. And the situation would be that after that reconsideration it would be subject to any motion that would be in order before the vote was taken.

Mr. LODGE. That is absolutely my position. I have stated it two or three times.

Mr. SWANSON. The Senator says "under the rule." That is, the phrase "under the rule" is open to debate. That is a

very ambiguous statement as to how to consider it. I would like to ask the Senator if the resolution of ratification as it passed the Committee of the Whole and the Senate will be open to amendment after the vote of reconsideration has been passed?

Mr. LODGE. I do not think, under the rule, that it would be.

Mr. SWANSON. Then, if you vote to reconsider, the question would be whether the Senate would pass the resolution of ratification as in Committee of the Whole.

Mr. LODGE. Not at all. I have pointed out again and again that the road which is always followed when we wish to change a bill or a joint resolution is to recommit it, and then you have it all fresh from the beginning and can put on anything you want.

Mr. SWANSON. I understand the rule to recommit would take it back.

Mr. LODGE. That opens the whole treaty.

Mr. SWANSON. Suppose a motion to recommit were made, what then would be the situation? Could the resolution of ratification then be reconsidered and amended?

Mr. LODGE. After the motion to recommit is carried, of course, you can do anything with it.

Mr. SWANSON. Not recommit, but reconsider.

Mr. LODGE. After you have reconsidered, you have reconsidered that one vote. You have got to reconsider each of the others or else you have to resubmit it. That is what you have to do.

Mr. BRANDEGEE. Will the Senator yield to me for a moment?

Mr. LODGE. Certainly.

Mr. BRANDEGEE. In reply to the—

Mr. SMITH of Georgia. Will the Senator let me ask him a question?

Mr. BRANDEGEE. I believe the Senator yielded to me, and I am about to ask a question.

The Senator from Virginia [Mr. SWANSON] asked whether a resolution of ratification, having been defeated and then reconsidered, is amendable. I want to call his attention to that section of the rule which was read a few moments ago which says:

The decisions thus made shall be reduced to the form of a resolution of ratification—

Then follows matter immaterial to this question, and it then says:

At which stage no amendments shall be received, unless by unanimous consent.

I take it, then, Mr. President, that the defeated resolution of ratification having been reconsidered, being in the same position that it was before it was defeated, it is not amendable except by unanimous consent.

Mr. LODGE. However that may be, there is no question that you can proceed by recommitment to open the entire subject and put on any reservations you have the votes to put on.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator from Massachusetts one question.

Mr. LODGE. I yield.

Mr. SMITH of Georgia. The question brings us really to the issue which is being considered, but not mentioned. If reconsideration takes place when the treaty, with the provisos, has not received a two-thirds majority, does the Senator from Massachusetts think it would then be in order to offer as a substitute for the resolution of ratification with the provisos a straight resolution of ratification without any provisos at all?

Mr. LODGE. Does the Senator mean after it comes back on reconsideration?

Mr. SMITH of Georgia. Yes.

Mr. LODGE. You have brought back the treaty with the provisos into the Senate?

Mr. SMITH of Georgia. Yes.

Mr. LODGE. I confess that form of substitution had not occurred to me. I am not prepared to say.

Mr. SMITH of Georgia. I think I have put my finger on the difficulty.

Mr. LODGE. I do not see how you can do it unless you reconsider the vote of the Senate.

Mr. SMITH of Georgia. Or unless it is referred to the Committee of the Whole.

Mr. LODGE. By recommitment.

Mr. UNDERWOOD and Mr. BORAH addressed the Chair.

Mr. LODGE. I yield to the Senator from Idaho. He rose first.

Mr. BORAH. I was just going to say that we can not forestall the decision of the Chair nor of the Senate by discussing this proposition at this time.

Mr. LODGE. Of course we can not.

Mr. BORAH. I do not see anything particular to be gained by it. If we are going to take up and discuss wholly immaterial

questions in the Senate that can not bind anybody for the future, I think I may as well go ahead with my amendment.

Mr. SWANSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. LODGE. I should like my motion disposed of.

Mr. SWANSON. Mr. President, it seems to me that this is a material question.

Mr. LODGE. We have talked this matter up and talked it down, if I may say so to the Senator from Virginia, although the question is not now before the Senate.

Mr. SWANSON. Before the motion comes to a vote, I desire to say that I understand the Senator is pursuing an unusual course, in that he offers amendments to the resolution of ratification, which is not as yet before the Senate. I understand the usual course has been to include reservations in the resolution of ratification. The Senator is really making them amendments to the treaty. Why does he do that?

Mr. LODGE. I am not doing it.

Mr. SWANSON. Perhaps the Senator has not done it, but that is the purpose.

Mr. LODGE. No; it is not the purpose.

Mr. SWANSON. Then why does the Senator want the reservations considered now?

Mr. LODGE. I can not attach the reservations to the resolution of ratification as in Committee of the Whole; that is impossible; there is no resolution of ratification here.

Mr. SWANSON. But the Senator pursues the unusual course of treating the reservations as amendments to be included in the resolution of ratification which is not here. Why?

Mr. LODGE. I do not propose them as amendments; I propose them specifically as reservations. There is no use in continuing this character of discussion.

Mr. SWANSON. The Senator proposes them as amendments to the resolution of ratification which has not been offered. Why does he do that? If they are adopted and included in the resolution of ratification, and if that resolution should fail, and a motion to reconsider is made, according to what the Senator from Connecticut [Mr. BRANDEGEE] insists, if the motion to reconsider is adopted, the question simply comes up whether the treaty shall be ratified with the reservations or whether it shall be rejected. Senators admit the only way they can avoid that is to move to recommit to the committee.

Mr. LODGE. It does not make a particle of difference about that—

Mr. SWANSON. If it is recommitted to the committee it means a long delay. All I ask is that this matter may come before the Senate and that the will of the Senate may have an opportunity to express itself.

Mr. LODGE. That is what I am after. Now, let me say to the Senator from Virginia that if after the adoption of these reservations the resolution of ratification should fail, he may look for a very long delay indeed; it will be the delay of death.

Mr. SWANSON. I think that is the procedure the Senator is trying to follow.

Mr. LODGE. If these reservations are put on the treaty, it will be ratified; and it will not be ratified, in my judgment, in any other way.

Mr. BRANDEGEE and Mr. UNDERWOOD addressed the Chair.

The VICE PRESIDENT. The Senator from Alabama.

Mr. UNDERWOOD. Mr. President, the Senator from Idaho [Mr. BORAH] a moment ago made a very pertinent suggestion that we were discussing a question that had not arisen; but it is a question that is going to arise, and after the declarations coming from the Senators in charge of the pending treaty as to what the rules mean and what they are, I am not willing to let those statements go into the Record without contradiction and allow those who are not familiar with the Senate rules to take that as the decision of the Senate. Of course, I realize that ultimately the presiding officer of the Senate will be called on to decide this question, and then the Senate will pass judgment on his decision; but in order that the Record may at least show my viewpoint in reference to the matter, and I think the viewpoint of some of my colleagues, I propose to state what it is.

In the first place, an amendment can be made to the treaty by a majority vote of the Senate, if the majority so desires. Up to the present time no amendment has been adopted. When amendments have all been disposed of either by acceptance or rejection, it is then the duty of the Senators in charge of the matter to propose a resolution of ratification voicing the sentiment of the Senate, as is suggested by the amendments according as they are adopted or rejected. That is all the rules provide for. A custom has grown up in the Senate that has gone so far as to become a part of the rules of the Senate that a reso-

lution of ratification may not only reflect the vote of the Senate on amendments but it may reflect the viewpoint of the Senate by way of reservations. However, I never heard of a reservation being proposed in the Senate of the United States as a reservation—not as an interpretation—that was not included in the resolution of ratification. If it is a part of the resolution of ratification—and it must be to be effective—it can not be adopted separately from the resolution of ratification. Before a reservation is in order in the Senate—whether it be in Committee of the Whole or in the Senate proper I am not concerned about—the resolution of ratification must be here; it must be pending before the Senate. We can not any more act on an amendment to a proposition that is not before the Senate than we can act on the proposition itself that is not before the Senate.

If the Senator from Massachusetts proposes to offer the so-called reservations as amendments to the treaty, of course he is in order; but if he proposes to offer them as reservations that ultimately are included in the resolution of ratification, then the resolution of ratification must be pending; it must be the pending question before the Senate.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. UNDERWOOD. I yield.

Mr. BRANDEGEE. On what theory does the Senator from Alabama think that a reservation can not be adopted except the resolution of ratification is drawn in form and is before the Senate at the same time, when the rule specifically provides that amendments must be adopted before the resolution is proposed?

Mr. UNDERWOOD. I have just said that if these are amendments to the treaty, of course as amendments they are in order; I concede that; but if they are reservations they are reservations to what?

Mr. LODGE. Mr. President, if I may—

Mr. UNDERWOOD. I yield to the Senator from Massachusetts. I have the floor, I believe.

Mr. LODGE. I think not. I yielded to the Senator from Alabama.

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. LODGE. If the Senator from Alabama has the floor, I will wait until he shall have concluded.

Mr. UNDERWOOD. I shall be glad to yield to the Senator from Massachusetts.

Mr. LODGE. I desire to call the attention of the Senator from Alabama to the Danish treaty, one of the last treaties ratified. To that treaty reservations were adopted, and then Senator Stone offered a resolution of ratification.

Mr. UNDERWOOD. But that was by unanimous consent.

Mr. LODGE. Oh, no. The unanimous consent was in regard to taking action on the treaty on that day.

Mr. UNDERWOOD. Then there was no objection, I may say, which was equivalent to unanimous consent.

Mr. LODGE. But Senator Stone held back the resolution of ratification.

Mr. UNDERWOOD. I was in the Senate when that resolution was adopted. There was no contest about it.

Mr. LODGE. Has the Senator from Alabama read the executive journal made up at that time? If not, I have it here.

Mr. UNDERWOOD. No; but I know there was no contest in the Senate and no Senator then raised the question. But, Mr. President, I do not care what precedent may be cited growing out of that instance, because that treaty went through as a mere matter of form. There were no issues raised, as I happen to know, no matter what the executive journal may recite, as I was present in the Senate when it was ratified. The real issue is as to whether reservations are a part of the resolution of ratification. If they are they are either a part of it now as pending before this body or are proposed to be amendments to it. The contention I make is not whether they can be considered in Committee of the Whole or in the Senate, but it is that they can not be considered at all if they are proposed as reservations to the final resolution of ratification until the resolution of ratification is pending.

The Senator says the last thing to be done is to offer the resolution of ratification; that resolution is the last question we shall act on after amendments have been disposed of; but the Senator can not contend that after he offers the resolution of ratification other Senators can not propose amendments to it so long as we have a right to vote on it. Therefore, amendments may be added to it even after the Senator has perfected it to suit himself. Other Senators will have the privilege at

least of proposing amendments, even if they can not obtain the votes to accomplish the result they desire.

So I contend that if we have closed the hour of offering amendments, if no Senator desires to offer further amendments, then the business before the Senate is the resolution of ratification and such amendments to it by way of reservation or otherwise as may be offered. That is the only way the Senate can in an orderly manner transact its business, and, as the Senator from Minnesota [Mr. NELSON] suggested a moment ago, it is the correct way for us to transact our business.

Mr. LODGE. Mr. President, let me ask the Senator, does he mean to say that a resolution of ratification can be offered while the treaty is being considered in Committee of the Whole?

Mr. UNDERWOOD. I do not think that the resolution of ratification could be offered; I merely said that I had no objection to the Senator offering reservations as amendments to the treaty.

Mr. SWANSON. Mr. President, will the Senator from Alabama permit me a moment?

Mr. UNDERWOOD. I yield.

Mr. SWANSON. If the resolution of ratification can not be offered in Committee of the Whole, how can amendments to the resolution of ratification be offered in Committee of the Whole?

Mr. LODGE. They are always in order before the resolution of ratification is presented.

Mr. SWANSON. No. The Senator says the resolution of ratification can not be offered in Committee of the Whole, and yet he says amendments to the resolution of ratification can be offered in Committee of the Whole. That is the contention.

Mr. LODGE. Oh, no.

Mr. SWANSON. That is the position the Senator occupies.

Mr. LODGE. I never stated anything of the kind; there is no use of the Senator misstating my position.

Mr. SWANSON. Well, let me state it again.

Mr. LODGE. Oh, no; do not let us take any more time in this discussion.

Mr. SWANSON. The reservations are amendments to the resolution of ratification, and the Senator says that the original resolution can not be offered in Committee of the Whole, but amendments to that resolution can be offered.

Mr. BRANDEGEE. That is because the rule orders it so.

Mr. SWANSON. The rule does not order it so. Let us see what the situation is, for we may just as well face it. Senators are confronted with a rule which says that the resolution of ratification shall contain the amendments adopted in Committee of the Whole or in the Senate. In order to avoid that rule the Senator, in Committee of the Whole, brings in reservations as amendments to the resolution of ratification. What is the effect of that?

Mr. NORRIS. Mr. President, will the Senator from Alabama permit me to ask a question of the Senator from Virginia?

Mr. UNDERWOOD. I yield.

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. NORRIS. The Senator from Alabama has yielded to me. I wish to suggest to the Senator from Virginia that the Senator from Massachusetts has not offered any amendments to the resolution of ratification. That is where I think the Senator from Virginia misunderstands the situation.

Mr. SWANSON. I do not misunderstand the matter at all. The Senator offered the reservations to be adopted now and to be accepted as amendments to the original resolution of ratification—

Mr. LODGE. Not as amendments, but as reservations.

Mr. SWANSON. To be included in the resolution of ratification.

Mr. LODGE. Mr. President, the Senator from Virginia can misstate my position faster than I can state it. I have stated it over and over again, but the Senator keeps misstating it, and it is a mere waste of the time of the Senate to continue the discussion.

Mr. SWANSON. Let us see what the purpose is. All this contention would not be without a material purpose. The Senator from Massachusetts endeavors, by a majority vote, to make the Senate either reject or accept what he brings here or force a motion to reconsider. The Senator from Connecticut has said that if the motion to reconsider is agreed to, the question recurs, Shall the resolution of ratification as amended be accepted or rejected? It seems to me if we want to get an expression of the will of the Senate as to what, in their judgment, should be put in the resolution of ratification, the proper course would be to secure a unanimous-consent agreement, in view of the rule, that if one resolution of ratification is rejected another one

shall be in order, or, in case of a motion to reconsider, that the resolution shall be subject to amendment.

Mr. UNDERWOOD. Mr. President, if the Senator from Virginia will pardon me, while I dislike to interrupt him, I should prefer to proceed with my remarks.

Mr. SWANSON. Very well.

Mr. UNDERWOOD. Mr. President, I desire to make clear my position. If the Senator from Massachusetts promises reservations here that are ultimately to become a part of the resolution of ratification, I desire to make a point of order that they are not in order until the resolution of ratification is before the Senate. I am not concerned whether he offers the reservations in Committee of the Whole or in the Senate, but until the original resolution of ratification of which it is proposed they shall become a part is before this body the reservations are not in order.

Aside from that, there has been much argument here as to what would happen if the resolution of ratification of the Senator from Massachusetts should be voted down.

I recognize that what the Senator from Idaho [Mr. BORAH] said awhile ago is true, that we are discussing a problem before it arises; but, as I expect to vote against the resolution of ratification as offered by the Senator from Massachusetts, and hope that it may be defeated, I want the Record to show what my interpretation of the parliamentary situation will be when that happens.

I understood from the Senator's statement awhile ago that he takes the position that if this resolution of ratification ultimately is defeated the treaty is dead, or action on the treaty is inoperative, unless a motion to reconsider is made in the Senate or in the Committee of the Whole.

Mr. President, I do not think there is any parliamentary law, nor is there any common sense, to sustain that proposition. The proposition before the Senate is the ratification of the treaty of peace with Germany. In my understanding, there are but three ways of disposing of that in the Senate: One is for the Senate by a majority vote to refer it and thus temporarily dispose of it. Another, under the rules, is to indefinitely postpone it, which, under the rules of the Senate, requires a two-thirds vote; and a vote of that kind would kill the treaty, and that would be the end of it. The other disposition is for the President to withdraw the treaty from the Senate. Without the happening of one of those events, unquestionably the treaty is before the Senate continuously for action.

I think the position that the Senator from Massachusetts has taken with reference to the defeat of a resolution of ratification is absolutely unsound. What difference is there between defeating a resolution of ratification by a majority vote and defeating it by the vote of one more than a third of the Senate? Suppose it were entirely a question of a majority vote, Mr. President, to make the matter clear. Suppose it did not require a two-thirds vote to ratify this treaty. Suppose it merely required a majority vote, and the Senator from Massachusetts had jockeyed his resolution of ratification through the various hurdles of amendments and reservations to the point where it was ready to take the final jump, and when that time came, and he demanded a roll call on his resolution of ratification, it did not command a majority vote of the Senate: Would anybody say, because the Senator's resolution of ratification was defeated, that that defeated the treaty of peace with Germany? Why, I say there is no parliamentary precedent in the history of the ages that would sustain a position of that kind. More than that, it can not be weighed in the balance of the scales of common sense and be sustained.

The purpose of this great treaty is to enable these nations to establish the peace conditions of the world; and to say that because a resolution proposed by one faction of the Senate of the United States could not command a majority vote of this body, therefore the treaty must fail, is not common sense.

If that is true as to a majority vote, why is it not equally true as to a two-thirds vote? There is no difference between its status on a majority vote and its status on a two-thirds vote except the difference which the Constitution of the United States itself prescribes, and that is that a resolution of ratification must command a two-thirds vote. In all other particulars, or most other particulars, it must command a majority vote. Therefore it fails when it does not get a majority vote; but here it must command a two-thirds vote, and one more vote than a third of the Senate will reject it. Now, what does that do? It rejects it just in the way that you would reject any other resolution by a majority vote of the Senate. The resolution having been rejected, it goes to the waste-paper basket; and the Senate, through its membership, is entitled to propose some other procedure to dispose of the treaty of peace. That is all there is to the proposition.

Mr. LODGE. Mr. President, if the Senator will allow me to make a suggestion—

Mr. UNDERWOOD. Surely.

Mr. LODGE. The Constitution says nothing about a majority vote.

Mr. UNDERWOOD. Oh, undoubtedly; but it does about a two-thirds vote.

Mr. LODGE. One moment. That is found in the rule, and at one time the Senate had a rule under which a two-thirds vote was required for every amendment. It is a mere matter of the rules of the Senate. The majority part of it has nothing to do with the Constitution.

Mr. UNDERWOOD. To be sure. The Constitution prescribes a majority vote for the passage of bills and other resolutions—that is what I was referring to, and not to the treaty—and I was simply saying that because the Constitution, in reference to bills and other resolutions, requires a majority vote in one place, and here it requires a two-thirds vote, it does not change the parliamentary status of the situation. Unquestionably it can not be anything but the rejection of the resolution offered by the Senator from Massachusetts.

Mr. President, I have not occupied the time of the Senate in giving my views in reference to this treaty. I have been so concerned that the peace of the world might be consummated, and that the conclusion of this war might be reached at an early date, that I preferred through these months to sit in silence rather than further to delay action on the consummation of this treaty; but the time has come when the people who believe that the most important question before this Nation is the consummation of peace must determine on what action they are going to take.

I do not suppose there is a man in the Senate of the United States who, if he had had the power to write this treaty in the beginning, would have written it in the exact form in which we find it before the Senate. More than that, I do not suppose for one minute that if the President of the United States had had full power to write this treaty he would have written a treaty such as is now pending before us in all its provisions. Unquestionably this is a document of compromises—the compromises of 26 nations sitting at the peace table trying to work out their differences and solve their difficulties in an instrument that might bring about the peace of the world. The primary question before the Senate is as to whether or not we shall accept this treaty, though we may differ from it in part, and consummate the peace of our country or whether we shall reject it and send it back into the turmoils of European politics.

Of course I am not now going into the question of discussing how far we might make reservations or interpretations that will endanger the peace of the world, or how far we might go and further endanger the peace of the world and the rejection of this treaty.

I do not think that is necessary from my standpoint. I am not going to take any chances about it at all. If this treaty does not work out all right in two years we can repudiate it, and I think that is sufficient to protect my country from any dangers that might arise out of it; but I think the straight road to the conclusion of peace is the ratification of this treaty without amendment and without reservation.

Therefore I am not willing to vote for any amendment or reservation, or any resolution of ratification with reservations in it, until the opportunity has been afforded to the people of the United States to take a direct vote on a resolution of ratification without amendments or reservations—an unconditional vote of ratification. If that happens, and it can not command the necessary two-thirds, then I realize that some compromise must be made; but I say to those men who differ with me—and I am not criticizing them; I am always glad to recognize the right of the other man to maintain his own position, as I ask that I may have the right to maintain mine—there are just two votes on this treaty of peace. One is absolutely in the hands of the President of the United States and the other is in the hands of the Senate of the United States. It is idle to say that a treaty of peace can be consummated until those two votes vote together, until those two minds concur in a final agreement.

The President of the United States has made this treaty. He has sent assurance to foreign powers that it will be ratified by the Senate. He has announced to the people of the United States that he was opposed to any amendment or any reservation that amounted to an amendment; and why? Because he said that if it was proposed it endangered the final ratification of the treaty of peace; and that danger has grown since he uttered it, because when he first announced the proposition the treaty had not become a fact. It had not been ratified by

the European powers. To-day this treaty is a living entity. Of the five great powers that are required to ratify it first, four have accepted it. It is the law of the world. It is a question as to whether we are going to be a part of it or stand out of it and make a separate treaty of peace with Germany.

With vital amendments to this treaty, affecting the internal affairs of England, France, Italy, or Japan, how could we expect them to accept amendments that modified or changed the treaty in reference to their own affairs? Yet such amendments have been proposed on the floor of the Senate.

If they had been adopted, Mr. President, I think the Government of the United States would have found itself, so far as this treaty is concerned, like Mahomet's coffin, between air and earth, suspended, with no resting place, no parliamentary status, no position in the world as to whether we were at peace or at war with Germany, an indefinite suspension, that might have wrought wreck and ruin to our internal affairs and disaster to our people.

I think that we who desire to have the immediate ratification of this treaty of peace, to sustain the hands of the President of the United States in his efforts to write this treaty and bring about the peace of the world, have but one course open to us, and if that is true, and we are men, we are going to take that course, regardless of what criticism may fall on our heads. More than that, I doubt whether there will be much criticism, because I think the common sense of the American people is with us. That course is that we should demand before this treaty is ratified in any other way that we have a right to vote on unconditional ratification. If that is rejected, then, of course, the President must recognize that the coordinate body in treaty making will not agree with him, and compromises must be made. But he is entitled to an honest vote, a clean record, as to whether the Senate accepts or rejects his position. I take it—and I believe it is true—that there are 40 men on the floor of the Senate who have the courage of their convictions.

Mr. THOMAS. Does not the Senator concede to the remaining Senators the same courage?

Mr. UNDERWOOD. Undoubtedly. I just said so. There are 40 men on the floor of the Senate who have the courage of their convictions, in my judgment, to sustain the position that I have just announced. I, of course, recognize that those who differ with us have equal courage and an equal right.

Mr. KING. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. I yield.

Mr. KING. Why does the Senator say, as I understood him, that the adoption of any of those reservations would necessitate the resubmission of the treaty to Germany and compel a renegotiation of the treaty with Germany? Does not the Senator think that there may be reservations and, indeed, amendments to the league, which would not occasion the resubmission of the treaty to Germany?

Mr. UNDERWOOD. I do not think so. Not any that I have seen around here. But I do not think that is very material, because most of those that have been offered undoubtedly would have required a resubmission.

Mr. SMITH of Georgia. Mr. President, I desire to ask the Senator a question, but I will have to preface my question with a statement. The difficulty with the position of the Senator seems to be that the resolution of ratification has to come in the Senate after the amendments have been perfected; and, in the Committee of the Whole, unless it was by unanimous consent, a resolution of ratification could not be considered. Could not this entire difficulty be obviated by unanimous consent? Could we not obtain unanimous consent to offer a resolution of ratification in Committee of the Whole, to which any reservations that Senators might desire could be also offered, and for which also could be offered as a substitute a straight resolution of ratification, without any reservations? If such a unanimous-consent agreement could be made, would it not speed our deliberations?

Mr. UNDERWOOD. I think not, because under the rules of the Senate and the provision of the Constitution, a final resolution of ratification must receive a two-thirds vote, and there is no way to test the sentiment that I have spoken of by offering a substitute for somebody else's reservation. There is but one way in which it can be done, and that is to propose it as a resolution of ratification itself, and see whether or not it can command a two-thirds vote. I think that is the only way out of it.

Mr. SMITH of Georgia. If we were, by unanimous consent, considering a resolution of ratification in Committee of the

Whole, could it not be proposed in Committee of the Whole, and could not the status of the Senate with reference to such a resolution there be tested?

Mr. UNDERWOOD. As I said a while ago, I have no objection to considering the resolution of ratification, if you want to do it by unanimous consent, either in Committee of the Whole or in the Senate. That is immaterial. But whether it is in Committee of the Whole or in the Senate, I want the rules of orderly procedure conformed to and carried out, in order that we may know at all times our status and our rights in these matters.

I think, Mr. President, that we might as well recognize that we are up against this proposition, in my judgment, that the Senator from Massachusetts and those who agree with him will ultimately propose a resolution of ratification that meets their conclusions, which in all human probability will not command a two-thirds vote in the Senate. When that is defeated, undoubtedly a resolution of ratification without reservations, unless some other resolution of ratification preceded it, will be offered. As to whether that can command a two-thirds vote I do not know and I do not predict. If it does, the treaty is ratified. If it does not, then the treaty will still be before the Senate, and we will have reached a status where those who believe in unconditional ratification will know that we can not have our way, and those who are proposing drastic amendments or reservations will know that they can not have their way, and then the question as to whether the Senate and the President can reach a compromise by which the treaty can be agreed to, that will be acknowledged by the European powers, or whether it will be necessary to finally reject it and open further negotiations with Germany, can be considered and voted on. But it is simply idle to waste days and hours, weeks and months, in the continuation of this debate about matters that we know must come to this final conclusion, this final test of a vote on these two questions.

I therefore think that the wise thing for the Senate to do is not to disturb the parliamentary situation, which is a question for the Chair to decide, but is to limit this debate and bring the resolution of the Senator from Massachusetts to a vote. If he wins, he has accomplished his object. If he loses, then the other issue comes before the Senate for its decision. We will make progress, and we will meet the wishes of the country.

Mr. LODGE. Mr. President, if the Senator wants to make progress, why does he not ask unanimous consent to take a vote on an unconditional ratification of the treaty now?

Mr. UNDERWOOD. I will.

Mr. LODGE. All right.

Mr. UNDERWOOD. Mr. President, I ask unanimous consent—

Mr. HITCHCOCK. That can not be done in Committee of the Whole. It must be considered in the Senate.

Mr. LODGE. Oh, yes; by unanimous consent we can do anything. [Laughter in the galleries.]

The VICE PRESIDENT. There will be order in the galleries. This violation of the rules will not be allowed to continue. The occupants of the galleries have been notified to keep quiet, and I call on the doorkeepers to remove the men who do not obey the rules of the Senate. The doorkeepers know who they are.

Mr. UNDERWOOD. Mr. President, I am not assuming to lead on this side, because this side has been ably and well represented by the distinguished Senator from Nebraska [Mr. HITCHCOCK], and I make no proposal coming from this side that does not meet with his approval. I recognize that a resolution of unconditional ratification coming at this time does not come with the force that it would have after the resolution of the Senator from Massachusetts is defeated.

Mr. LODGE. Then I understand the Senator objects?

Mr. UNDERWOOD. No; I do not. I am not going to object. If the Senator will bear his soul in patience, I will give Senators on the other side a chance to object. I realize that such a request will not be as forceful as it would be if coming after the Senator's resolution is defeated. But I also realize that this is no child's play; that this is no hour in which we can stand on technicalities. The great duty we owe to this country is to act on this treaty one way or the other, solve the issue, and bring the question before us to a vote.

Therefore, Mr. President, accepting the proposition of the Senator from Massachusetts, I ask unanimous consent that the leader on this side of the Chamber, the Senator from Nebraska [Mr. HITCHCOCK], may have unanimous consent to propose at this time a resolution of unconditional ratification for the consideration of the Senate.

The VICE PRESIDENT. Is there any objection?

Mr. HITCHCOCK. Mr. President, I have been waiting to propose a unanimous-consent agreement myself, and I shall carry out the purpose I have had.

The offer which is made by the Senator from Massachusetts [Mr. LODGE] is recognized to be extraordinary. All the precedents of the Senate indicate that reservations are not considered in Committee of the Whole, but are considered in the Senate. So far as I know, there has been, perhaps, no exception, and certainly there have been few, in which the Committee of the Whole has done anything more than read the treaty and consider proposed amendments to it. The rules require that when that proceeding has been finished by the Senate as in Committee of the Whole, the Committee of the Whole reports the treaty to the Senate, and all that the Senate does when it is so reported is to consider a resolution of ratification.

There are many precedents for saying that the Senate is at perfect liberty, while considering a resolution of ratification, to consider reservations, interpretations, and qualifications, and it seems to me that that is the orderly proceeding to take in this case. But if the Senator from Massachusetts fears that some advantage may be taken or some advantage lost by considering it in that way, I suggest a unanimous-consent agreement in advance, so that he may know, and all Senators may know, that the Senate will be just as free, sitting as the Senate, to consider a resolution of ratification with reservations, with qualifications, and with interpretations, as it might be to consider reservations or qualifications or interpretations in Committee of the Whole.

The unanimous-consent agreement which I suggest is this, that it shall be in order, when the Committee of the Whole reports the treaty to the Senate, to offer resolution of ratification with or without reservations, interpretations, or qualifications, and any Senator may demand a separate vote on any reservation, interpretation, or qualification. Any pending resolution and any pending reservation, interpretation, or qualification, shall be open to amendment or substitute.

Mr. LODGE. There is no need of unanimous consent. That is the rule now. All that can be done without unanimous consent. Of course, you can offer a substitute for anything before the final vote is taken.

Mr. HITCHCOCK. Then, if that is perfectly understood, there certainly can be no reason why the Senate should not at this time pursue the ordinary course as in Committee of the Whole and report the treaty to the Senate. Therefore, I move that the Committee of the Whole now report the treaty to the Senate.

Mr. LODGE. That is a wholly different proposition. Is the Senator ready to vote now on the treaty without any amendment or reservation? That is the only question.

Mr. HITCHCOCK. I am ready to vote on it as soon as we get into the Senate.

Mr. LODGE. No; is the Senator ready to vote now on it without any reservations or conditions attached?

Mr. HITCHCOCK. Just as soon as it is reported to the Senate in an orderly way.

Mr. LODGE. No unanimous consent will take it out of the Committee of the Whole. The Senator need not worry about it. The unanimous consent is a plain proposition to vote on it unconditionally. Is that the Senator's request? If it is, I will not object to it, but I am not going to agree to a lot of stuff about the rules.

Mr. HITCHCOCK. I have made this suggestion for unanimous consent in perfect good faith. There is no advantage to be taken on either side in conducting this matter in the ordinary way. The Senator from Massachusetts is endeavoring to do it in an extraordinary and unusual way, contrary to the precedents of the Senate, and when I suggested to him a few moments ago that it should be taken up in the Senate by unanimous consent, the Senator from Massachusetts intimated he feared some advantage would be taken of the situation.

Mr. CURTIS. Mr. President, is not the proposition submitted by the Senator from Nebraska exactly the same proposition as that submitted by the Senator from Alabama?

Mr. UNDERWOOD. I will say that it is. I hope the Senator from Nebraska will allow the Senate to pass on the question of the unexpected offer coming from the Senator from Massachusetts. Of course, it is unusual to pass on a resolution of ratification in Committee of the Whole, but it undoubtedly can be done by unanimous consent.

There are many of us who for months have sat here to sustain the President and demand an honest vote on the question of whether he should be sustained. We thought we might have to battle to get that position. There may be some technical advantage in postponing that vote, but I think the country is entitled to vote as to whether we will ratify

unconditionally. Senators are entitled to take a position before the country for unconditional ratification or not, and when that vote is taken it will clear the atmosphere, I think, to a large extent. I sincerely hope the Senator from Nebraska will allow us to take that vote on his own resolution of ratification.

Mr. HITCHCOCK. I should prefer to have my unanimous-consent agreement assented to by the Senator from Massachusetts, but failing that, I move that the Senate advise and consent to the ratification of the treaty of peace now pending before the Senate, and on that I demand the yeas and nays.

Mr. LODGE. The Senator should ask unanimous consent. Of course, it is out of order without unanimous consent.

Mr. HITCHCOCK. I ask unanimous consent.

Mr. LODGE. I make no objection to unanimous consent.

The VICE PRESIDENT. Is there objection?

Mr. LENROOT. Reserving the right to object, it is understood that if the treaty fails of ratification by that vote, it leaves it exactly where it was before the vote was taken?

Mr. UNDERWOOD. Undoubtedly.

Mr. McCUMBER. I hope we will all agree to that.

Mr. HITCHCOCK. Do I get unanimous consent?

Mr. MCCORMICK. Reserving the right to object, what was the inquiry of the Senator from Wisconsin [Mr. LENROOT] and what was the reply thereto, and is its effect binding and conclusive?

Mr. LENROOT. To make it clear, I will ask the Senator from Nebraska [Mr. HITCHCOCK] if he will not incorporate in his unanimous-consent agreement that in case of failure to ratify the treaty shall be at the same stage as if the vote had not been taken.

Mr. McCUMBER. That is all right.

Mr. HITCHCOCK. I see no objection to that. That is my theory of this matter. I think if the resolution of ratification fails to receive a two-thirds vote it leaves the treaty right where it has been.

The VICE PRESIDENT. The Secretary will state the proposed unanimous-consent agreement.

The SECRETARY. The Senator from Nebraska [Mr. HITCHCOCK] asks unanimous consent that the Senate may proceed at once to vote upon the following resolution:

Resolved, That the Senate advise and consent to the ratification of the treaty of peace with Germany signed at Versailles, France, June 28, 1919.

The VICE PRESIDENT. There should be included the words "Provided, That if the treaty shall fail of ratification it shall occupy the same position in the proceedings of the Senate that it occupied before the vote was taken."

Mr. HITCHCOCK. I assent to that. Has unanimous consent been given?

The VICE PRESIDENT. It has not.

Mr. FALL. It has not.

The VICE PRESIDENT. Is there objection?

Mr. FALL. Mr. President, of course, I have my views upon this entire subject, and some of them have been expressed, as vigorously as I knew how, prior to this time. I do not believe that this subject can be treated in the way that is now proposed. I believe that if the vote is taken as proposed, and two-thirds do not vote for the ratification resolution, the treaty is dead forever, and I can not consent, by my silence, to any other construction.

The VICE PRESIDENT. That is an objection, then?

Mr. FALL. I think that we all are considerably at sea in the matter of the treatment of the treaty and the rules applying, and if I may trespass upon the time of the Senate for a few moments, I will express my views upon the subject.

In the matter of the treaty, while it is treated by this body in a legislative way, the Senate itself is taking part in the passage of executive duties in advising and consenting to the ratification of the treaty. It is not a legislative act in that sense. The rules are perfectly clear as to the procedure which should be followed. The general rules or the general parliamentary rules do not apply in the treatment of this subject.

The rule is to me perfectly plain. The rule provides that we shall consider the treaty in the Committee of the Whole, and amendments; that we shall then go into the Senate, and that the only motion there is, Shall the action of the Committee of the Whole be concurred in or not?

That is the rule when we get into the Senate. If concurred in, the resolution of ratification is then formed, and you are not amending a resolution of ratification. You are now preparing a resolution of ratification by amendments, if you adopt them, whether you call them reservations or not. In the parliamentary treatment of these reservations, irrespective of their diplomatic effect, if the Senators can see anything in them, irrespective of how they may be treated diplomatically, in

parliamentary treatment or legislative treatment in this body, they are considered exactly as amendments; and upon the action of the Committee of the Whole in adopting the amendments, whether you call them reservations or whether you call them amendments, depends the form of the resolution of ratification.

No action has been taken upon the pending amendments whatsoever, or at least unanimous consent is asked in Committee of the Whole, which is entirely out of order, unknown to the rules at all, unless it were submitted in the form of the formation of a resolution of ratification. If the Senator were to offer it as a form of resolution of ratification to be reported and adopted by the Senate, he might have some ground there for a motion or for a unanimous consent for such request, but to have a vote upon what he chooses to introduce here now in Committee of the Whole as a resolution of ratification or a reservation and if that fails of passage then we are back in the same position we are now occupying is, to my mind, extremely ridiculous. We are playing with the entire subject.

If Senators desire to go on record for the unreserved ratification of the treaty, if they desire to express themselves, let them rise here and so express themselves. It will go into the RECORD. There is no necessity for violating all the rules of the Senate in an endeavor to do the thing in this indirect way. I have no objection whatsoever to a vote being taken, but I want it understood distinctly that I do object to any unanimous consent which would put the matter back in the same position as it was before the vote is taken. If you support it, and if you vote upon your resolution of ratification simply to test the matter, I think you would be exactly where you are by your reservations now. It is child's play; it is unknown to the rules.

The Senate is in Committee of the Whole. If you are in good faith, if Senators on the other side of the Chamber are in good faith, then move that the committee now rise, go into the Senate, and report the resolution of ratification without any reservations, and that you will then go back into the Committee of the Whole for treatment of this matter exactly as you have it.

I have no objection to your taking a test vote for the benefit of posterity. That is all it is. I have no possible objection to that, but I do object to undertaking to tie the Senate in any manner whatsoever to any such doctrine as has been announced in this request.

Mr. SMOOT. May I ask the Senator a question?

Mr. UNDERWOOD. Do I understand the request is objected to?

The VICE PRESIDENT. It is.

Mr. FALL. As formed, it is objected to.

Mr. UNDERWOOD. In what form would the Senator consent to its going through?

Mr. FALL. What is the Senator's purpose, to stay in Committee of the Whole or to go into the Senate?

Mr. UNDERWOOD. So far as I am concerned, my only purpose is to have an unqualified vote on the ratification of the treaty, without amendment or reservation.

Mr. FALL. And that vote can only be taken in the Senate.

Mr. UNDERWOOD. It can be taken anywhere by unanimous consent.

Mr. FALL. No; it can not be.

Mr. UNDERWOOD. It can be taken anywhere by unanimous consent, but I am willing—

Mr. FALL. It can be taken, of course, but it would have no effect if taken in Committee of the Whole, but it will have effect if we go into the Senate. If the Senator will move to go into the Senate, I shall make no objection.

Mr. UNDERWOOD. I ask to amend the request for unanimous consent so as to read "in the Senate." We can go into the Senate by unanimous consent. Of course, we will agree to come out if the motion is not agreed to in the Senate.

The VICE PRESIDENT. Is there objection to that request?

Mr. FALL. In not insisting upon my objection to the request for unanimous consent I am for the first time since I have been a Member of this body knowingly and willfully stultifying myself as a Senator.

Mr. LENROOT. Mr. President, I rise to a parliamentary inquiry. I ask that the unanimous-consent request as modified be now stated.

The VICE PRESIDENT. The Secretary will state it.

The Secretary read as follows:

It is agreed by unanimous consent that the Senate shall immediately pass to the parliamentary stage of the Senate and will vote therein upon the following resolution:

Resolved, That the Senate advise and consent to the ratification of the treaty of peace with Germany, signed at Versailles, France, June 28, 1919.

Mr. LODGE. Mr. President, there should be inserted in the resolution the words "two-thirds of the Senators present and voting concurring therein."

Mr. UNDERWOOD. Undoubtedly that should be done.
The VICE PRESIDENT. The Chair will decide that it is not a thing the Chair can do.

Mr. LODGE. I am only giving the universal form of ratification resolutions; that is all.

The VICE PRESIDENT. The Secretary will insert the words suggested by the Senator from Massachusetts.

The Secretary read as follows:

It is further agreed that if the treaty shall fail of ratification, it shall occupy the same position in the proceedings of the Senate that it occupied before the vote was taken.

The VICE PRESIDENT. Is there objection?

Mr. LENROOT. Before the words "of the Senate," as stated by the Secretary, there should be inserted the words "as in Committee of the Whole." When the treaty goes back, it goes back to the Committee of the Whole.

The VICE PRESIDENT. Is there objection?

Mr. GORE. I should like to hear the proposed agreement again stated.

The VICE PRESIDENT. The agreement will be again stated.

The proposed agreement as finally perfected was read by the Secretary, as follows:

It is agreed by unanimous consent that the Senate shall immediately pass to the parliamentary stage of the Senate and will vote therein upon the following resolution:

Resolved (two-thirds of the Senators present and voting concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany signed at Versailles, France, June 28, 1919; and, further, that if the treaty shall fail of ratification it shall immediately be returned to the parliamentary stage of the Committee of the Whole.

Mr. JONES of Washington. I object.

Mr. HITCHCOCK. I move that the treaty be reported to the Senate.

Mr. LODGE. Mr. President, I have made a motion which, I think, has to be disposed of.

The VICE PRESIDENT. Did the Senator from Alabama [Mr. UNDERWOOD] raise the point of order that the resolutions were not in order in Committee of the Whole?

Mr. UNDERWOOD. I raised the point of order that if they were offered as reservations they were not in order. I do not know whether they are offered as amendments or reservations.

Mr. LODGE. They are offered as reservations.

Mr. UNDERWOOD. Then, I make the point of order that they are not in order.

The VICE PRESIDENT. The presiding officer at best only makes a ruling that enables an appeal to be taken and states a question that the Senate will ultimately decide. Hitherto the Senate on many important questions has construed the rules to meet the exigencies of the occasion as the Chair looked at the rules.

The rules of the Senate provide that this treaty shall be first considered in Committee of the Whole; be amended, if desired by a majority of the Senators; be then reported to the Senate, the question there being, Shall the Senate concur in the amendments made in the Committee of the Whole? Then it is amendable in the Senate. When all the proceedings are through the decisions are to be reduced to the form of a resolution of ratification, with or without amendments, as the case may be.

If treaties and the constitutional right of the Senate to advise and consent to the making of them are to be governed by a strict construction of the rules and if it were a matter of first impression, the Chair would be compelled to hold that if there were no amendments made in the Committee of the Whole or in the Senate there could be no form of resolution of ratification other than one providing for a straight ratification of the treaty; but that is in direct violation of the uniform practice of the Senate of the United States.

Reservations, interpretations, and exceptions have gone into many treaties. Some of them have been published in a Senate document, and it is not needful to refer to them.

The Chair may be pardoned for saying one thing which perhaps is not pertinent to the determination of this question. This is the most important treaty that ever was presented to the Senate of the United States. It involves far-reaching consequences to the people of this country and to the people of the world. It took six months to make it; it has taken four months of exhaustive discussion in the Senate up to the present hour to consider it. Recognizing the right of the Senate and realizing that it will exercise that right whether it is agreeable to the Chair or not, the present occupant of the chair is unwilling to make any sort of a technical ruling that will prevent the Senate of the United States from ratifying this treaty either without reservations or with any character of reservations that a majority chooses to put into the resolution of ratification. The Chair is unwilling to construe the rules in so strict and

narrow a way that the treaty may be pigeon-holed or hung up by such narrow construction.

The Chair is going to hold that a majority of the Senate can present whatever it pleases to the Senate in the way of reservations or interpretations, and the Chair thinks that these reservations, as they are called, ought to be considered as in Committee of the Whole in justice to certain Senators of the United States who have been voting against amendments to the treaty, with statements made that they voted against the amendments because they thought they could preserve their views by way of reservation and interpretation. The Chair is unwilling to rule that they shall be put in the position of waiting until the resolution of ratification is presented and then finding themselves confronted with the necessity of voting for a resolution of ratification which contains reservations that do not meet with their views upon the question.

The whole conduct of this treaty since it came into the Senate by the Senate itself impels the Chair to rule that reservations are in order in the Committee of the Whole, to the end that Senators who have voted against amendments may have the opportunity of again presenting the amendments and voting upon them in the Senate if the reservations adopted in the Committee of the Whole are not satisfactory to such Senators. The Chair accordingly overrules the point of order.

Mr. LODGE obtained the floor.

Mr. JONES of Washington. Will the Senator yield to me for just a moment?

Mr. LODGE. I yield.

Mr. JONES of Washington. I objected to the request for unanimous consent a while ago very largely for the reasons the Chair has just stated as the basis of his ruling, of which I heartily approve.

Mr. LODGE. Mr. President, I now, after some interruption, renew the motion which I made two hours ago. I move the adoption of the following conditions and reservations to be incorporated in the resolution of ratification. I have made a modification in the condition which is numbered 1, in regard to making the reservations and understandings a part of the conditional resolution of ratification, by inserting at the proper place the words "by an exchange of notes." I have also made, as Senators will see if they compare it with the print, one or two further changes that are of no importance. I shall ask for a vote on each paragraph separately after they have been read. I think they had all better be read first, so as to go into the Record, and then I shall ask to take up the first one for consideration.

Mr. NORRIS. Mr. President, will not the Senator ask that they be also printed in the form of a bill?

Mr. LODGE. Yes; I ask that they be printed in bill form, as read by the Secretary, for the use of the Senate to-morrow.

Mr. McCUMBER. Mr. President, I understand that there is also submitted with these reservations a preamble, which is submitted for adoption as well as the several numbered reservations.

Mr. LODGE. I mentioned that, but I referred to it as conditions. It is generally called, and misnamed, a preamble. Of course a preamble always precedes, and never follows, the enacting clause. It is really a declaration of conditions of ratification, that has been called commonly the preamble.

Mr. McCUMBER. The point I wanted to ascertain was whether or not the Senator, in asking for a vote upon each of these separately numbered reservations, would also ask for a vote upon what is commonly designated a preamble.

Mr. LODGE. Yes; I certainly shall, and it is numbered 1 in what I have sent to the desk.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

The following conditions and reservations are proposed, to be incorporated in the resolution of ratification:

"1. The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan."

"2. The United States so understands and construes article 1 that in case of notice of withdrawal from the league of nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States."

"3. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress,

which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

"4. No mandate shall be accepted by the United States under article 22, Part I, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

"5. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children, and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations, or any agency thereof, or to the decision or recommendation of any other power.

"6. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the league of nations, provided for in said treaty of peace, any questions which, in the judgment of the United States, depend upon or relate to its long-established policy commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

"7. The United States withholds its assent to articles 156, 157, and 158 and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

"8. The Congress of the United States will provide by law for the appointment of the representatives of the United States in the assembly and the council of the league of nations and may, in its discretion, provide for the participation of the United States in any commission, committee, tribunal, court, council, or conference, or in the selection of any members thereof, and for the appointment of members of said commissions, committees, tribunals, courts, councils or conferences, or any other representatives under the treaty of peace, or in carrying out its provisions, and until such participation and appointment have been so provided for and the powers and duties of such representatives have been defined by law, no person shall represent the United States under either said league of nations or the treaty of peace with Germany or be authorized to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences, except with the approval of the Senate of the United States.

"9. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

"10. The United States shall not be obligated to contribute to any expenses of the league of nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the league of nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

"11. If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the league of nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

"12. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the league of nations, residing within the United States or in countries other than that violating said article 16, to continue their commercial, financial, and personal relations with the nationals of the United States.

"13. Nothing in articles 296, 297, or in any of the annexes thereto or in any other article, section or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

"14. The United States declines to accept as trustee or in her own right any interest in or any responsibility for the government or disposition of the overseas possessions of Germany, her rights and titles to which Germany renounces to the principal allied and associated powers under articles 119 to 127, inclusive.

"15. The United States reserves to itself exclusively the right to decide what questions affect its honor or its vital interests and declares that such questions are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations or any agency thereof or to the decision or recommendation of any other power."

Mr. LODGE. Mr. President, I now ask to take up for action paragraph No. 1. When I made my motion, I moved them all as the report of the committee, and I gave notice that I should ask for a vote on each paragraph. I now ask for a vote on the first paragraph.

The PRESIDENT pro tempore. The Chair is of the opinion that any Senator has a right to a division.

Mr. JOHNSON of California. Mr. President, I ask permission to present reservations, in order that they may be printed and put upon the desks of Senators in the morning.

The PRESIDENT pro tempore. That action will be taken.

The reservations are as follows:

The Senate of the United States advises and consents to the ratification of said treaty with the following reservations and conditions, anything in the covenant of the league of nations and the treaty to the contrary notwithstanding:

When any member of the league has or possesses self-governing dominions or colonies or parts of empire which are also members of the league, the United States shall have representatives in the council and assembly, and in any labor conference or organization under the league or treaty, numerically equal to the aggregate number of representatives of such member of the league and its self-governing dominions and colonies and parts of empire in such council and assembly of the league and labor conference or organization under the league or treaty;

and such representatives of the United States shall have the same powers and rights as the representatives of said member and its self-governing dominions or colonies or parts of empire; and upon all matters whatsoever, except where a party to a dispute, the United States shall have votes in the council and assembly, and in any labor conference or organization under the league or treaty, numerically equal to the aggregate vote to which any such member of the league and its self-governing dominions and colonies and parts of empire are entitled.

Whenever a case referred to the council or assembly involves a dispute between the United States and another member of the league whose self-governing dominions or colonies or parts of empire are also represented in the council or assembly, or between the United States and any dominion, colony, or part of any other member of the league, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

Whenever the United States is a party to a dispute which is referred to the council or assembly and can not, because a party, vote upon such dispute, any other member of the council or assembly having self-governing dominions or colonies or parts of empire, also members, upon such dispute to which the United States is a party, or upon any phase of the question, shall have and cast for itself and its self-governing dominions and colonies and parts of empires, all together, but one vote.

The PRESIDENT pro tempore. The Secretary will state the first reservation offered by the Senator from Massachusetts on behalf of the committee.

The Secretary read as follows:

1. The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan.

The PRESIDENT pro tempore. The question is upon the adoption of the reservation.

Mr. THOMAS. Mr. President, before the vote is taken I wish very briefly to outline my reasons for voting against the first reservation.

If I understand that proposal correctly, it imposes a condition upon the principal allied powers whereby our ratification of the treaty is not to become effective until at least three of them shall accept the reservations which it is proposed to insert in our resolution of ratification. That, of course, means that if only two of the principal allied powers shall accept these reservations, the treaty will not be ratified at all. I am opposed, Mr. President, to imposing conditions upon the allied powers in our resolution of ratification. I do not pretend to be entirely familiar with the effect of a reservation in a resolution of ratification. But generally speaking, my understanding is that it differs from an amendment in that it may be accepted by acquiescence or otherwise by the other treaty-making or signatory powers; and that is as it should be.

Our exercise of the right to determine the conditions of ratification is a right the interference with which by any other nation we would resent, and I am inclined to think that if a resolution of ratification by one of the principal allied powers containing a similar preamble or condition should be laid before the Senate by the President, we would not regard it with equanimity. It would seem to dictate, or to be an announcement which would be the equivalent of, "Take it or leave it as you may determine; but unless it is taken with the condition the treaty will fail of ratification."

I do not believe, Mr. President, if we have the right, which may be conceded for the sake of argument, to attach such a condition to a resolution of ratification, that it consists with the comity and courtesy which should at all times prevail in the intercourse of nations with each other, and especially in reference to agreeing upon covenants which are to have the force of international law.

I prefer, therefore, Mr. President, that the reservations should be made in the ordinary course, and that the resolution of ratification should be silent on such a condition. If it be true that reservations do not require the affirmative action of the other signatory powers, but become a part of the treaty unless they are expressly rejected, then certainly these conditions are not necessary. If it be true that we are willing to accept the treaty with certain reservations, let us insert those reservations without adding any conditions whatever.

I am not concerned whether Great Britain or France or Italy or Japan shall act upon a condition or an alternative placed before them. What I am concerned with, and only concerned with, are such reservations as seem to me to be absolutely essential for the protection of the United States.

To my mind it is plain, and if I am mistaken I want to be corrected, that with the conditions set forth in the first so-called reservation as a part of the resolution of ratification, there can be no treaty, there can be no ratification, except by a compliance with the conditions which we have sought to impose upon other sovereign nations.

I shall for these reasons, Mr. President, vote against the first proposition.

Mr. LODGE. Mr. President, a similar provision asking for the acceptance of a reservation was adopted by the United States in the case of the cession of the Danish Islands. In the treaty with Denmark we inserted a reservation relating to the established church, which was a necessary reservation. We required that we should have the acceptance of that reservation by Denmark before the treaty became effective. The notes were exchanged as set forth in the President's proclamation. I have the President's proclamation here, which gives the whole thing. After stating the reservation in the proclamation, it says:

And whereas it was further provided in the said resolution "That the Senate advises and consents to the ratification of the said convention on condition that the attitude of the United States in this particular, as set forth in the above proviso, be made the subject of an exchange of notes between the Governments of the two high contracting parties, so as to make it plain that this condition is understood and accepted by the two Governments, the purpose hereof being to bring the said convention clearly within the constitutional powers of the United States"

And whereas this condition has been fulfilled by notes exchanged between the two high contracting parties on January 3, 1917;

And whereas the said convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington, on the 17th day of January 1917:

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said convention to be made public—

And so forth.

There is, therefore, nothing new in this.

Mr. THOMAS. But, Mr. President, does not the Senator think there should be a distinction between a treaty which amounts to nothing more nor less than a contract between two nations for the purchase of territory, and a treaty like this, which involves nearly every subject under the sun, and which is designed as a treaty of peace to close the World War?

Mr. LODGE. I see no distinction whatever in principle. If we can make such a reservation to one power we can make it to others, and I do not see how by any ingenuity there can be found to be anything rude in asking for an exchange of notes. Of course, every one of these reservations, if they are adopted, is open to objection by the other signatories. The effect of this exchange of notes with three of the principal allied and associated powers would simply be to expedite the acceptance of the treaty. If they accept it, we need not fear objection from the others. The treaty would come into effect at once, and there would be no misunderstandings, which are to be avoided, in my judgment; and it seems to me a wise and necessary provision.

I can not understand the idea that there is anything rude in asking in a negotiation that powers should accept a reservation. I think this treaty is rather too important for us to consider questions of etiquette and manners. But there is no question of etiquette and manners here. It has been done before without any objection whatever. How could anybody take offense at it? I can not see the force of that objection. On the other hand, I think it is distinctly promotive of a prompt and good understanding. We are following precisely the precedent we ourselves set in the Danish treaty.

Mr. McCUMBER. Mr. President, we are following to some extent the precedent established in the Danish treaty. We are not following to any extent the precedent established in any other treaty, so far as I can understand. This same matter was up before the Committee on Foreign Relations, not exactly in the same form in which it appears before the Senate at the present time, but in a form that meant precisely the same thing, and I wish to read from the reservations which have been printed, and which were first presented by the chairman of the Committee on Foreign Relations. I expect to show, Mr. President, that there is a vice in this request for a formal acceptance that Senators have not probably given full consideration. As it appeared before the Committee on Foreign Relations, this is the way the preamble, which is now No. 1 of the reservations, read:

The committee also report the following reservations and understandings to be made a part and a condition of the resolution of ratification, which ratification is not to take effect or bind the United States until the said following reservations and understandings have been accepted as a part and a condition of said instrument of ratification by at least three of the four principal allied and associated powers, to wit: Great Britain, France, Italy, and Japan.

When this matter was before the Committee on Foreign Relations, I moved to strike out all after the word "ratification," which would include "which ratification is not to take effect or bind the United States" until these other powers shall formally accept our several reservations.

Mr. President, I again move to strike from No. 1 of the reservations all after the words "resolution of ratification." As I have not before me the original as it is now presented, I can not give the lines.

But, Mr. President, the preamble, or the introductory reservation, would then read:

The committee also report the following reservations and understandings to be made a part and a condition of the resolution of ratification.

So far, Mr. President, as this country is concerned, these retained words answer every possible legitimate purpose. They make it clear that the reservations are to be made a part and a condition of the resolution of ratification. To the extent that these reservations relieve the United States from any obligation under the compact, that compact is, in effect, modified so far as the United States is concerned. It is an amendment of the treaty so far as the United States is concerned. While it binds others, it binds us only to the extent by which we have bound ourselves in the acceptance of any particular article, and when we file our acceptance of this treaty, with its reservations, we make the reservations a part of the treaty, and every other nation must take cognizance of them whether we say another word or whether we ask them to do anything else. These reservations are just as much a part of this treaty as though they had been written into the body of the instrument in the first instance. No Senator, therefore, who seeks to compel other countries to any formal declaration of consent to these reservations would have the audacity to claim that such an acceptance is necessary to give validity or effect to our reservations. It is not necessary.

They know, as everyone knows, that if our acceptance is a qualified one, we have modified it in so far as our interests are concerned to the extent of the qualification, and every other party to the treaty must take cognizance of the extent to which we have bound ourselves and the extent to which we have freed ourselves from any one of the obligations or the provisions of the treaty.

I believe that not a single supporter of this preamble, in the form proposed by the committee, would ever contend upon the floor of the Senate or elsewhere that the failure of any or the failure of all of these other nations to the treaty, these parties to the contract, to formally declare their acquiescence in it in any possible way would in the slightest degree detract from their effectiveness.

It is worse, then, than idle to say that this is proposed to the end that there shall be no misunderstanding in the future. It is deceptive of the real purpose of the provisions. This resolution of reservation, with its conditions and qualifications, as I have stated, becomes a part of the instrument and will be filed with it, and it will have just exactly the same meaning and be just as binding upon the other powers whether those powers say "Yes" or whether those powers refrain from saying anything. No one in the Senate doubts that.

While we have in one or two instances—and I can only find one in my examination—asked for the acceptance of a reservation from the other party to the contract, it has been only where there has been one party, and only where the question was one of the United States being compelled to notify the other party that under our Constitution we could not adopt a state religion for any islands which we purchased, and we wished them to fully recognize that that could not be done under the Constitution, and therefore we asked an exchange of notes upon that subject.

It is clearly evident, however, Mr. President, that an entirely different purpose, a purpose entirely outside of the necessity for formal acceptance of these reservations, is intended. The very first question that arises in our minds as we read this preamble is this: If assent of other powers is necessary that others should also understand it, why does the preamble limit the formal assent to three out of four? There are 32, I believe, who have signed the treaty. Why, if we want them all to understand it, do we say that three, naming them, out of a certain four shall accept it? If formal assent is necessary, why is it not just as necessary that each and every other party to the compact should give its formal assent, or, taking the first instance, why should we say that it should be done by at least three out of the four? Why not say that it should be done by all of the four instead of three out of the four?

Mr. BRANDEGEE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. I yield.

Mr. BRANDEGEE. I think, if the Senator will pardon me, that this very number was arrived at because that is the identical language of the treaty, providing that the treaty itself shall go into full force and effect when ratified by three of the principal powers.

Mr. McCUMBER. But I do not see that that has the slightest thing to do with it.

Mr. POMERENE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. Certainly.

Mr. POMERENE. The Senator from Connecticut fails to distinguish as to the character of these different parties. When the provision of three out of four was made in the treaty it related to the peace relations between those three and the common enemy. This provision relates to the status of the four allies themselves and our relation to them.

Mr. McCUMBER. And that is not all. That refers to the entire peace treaty, while this acceptance only refers to our particular reservation.

Mr. NORRIS. Mr. President—

Mr. McCUMBER. I yield to the Senator from Nebraska.

Mr. NORRIS. I did not clearly understand the Senator from Ohio, so I may be covering the ground which he has already covered. I am interested in what the Senator from North Dakota is saying and I have been very much in doubt as to what this particular preamble, if you call it such, means. Suppose these reservations were agreed to by Japan, Italy, and France. That would be three. First, would the reservations be in force as to Great Britain?

Mr. McCUMBER. They would not. That is not all; the treaty would not be in force.

Mr. NORRIS. If that is true, it seems to me, since the treaty itself provides that it shall be in force as to three when they have agreed to it, and if it should happen to be a different three, we might have a bad situation. What kind of a dilemma would we be in with the treaty in a situation of that kind?

Mr. McCUMBER. This is an expression of our ratification of the treaty. Now, though the Senate ratifies the treaty, it places it in the hands of another country by its silence to avoid the ratification of the United States. That is the vicious part of it. But I wish to follow the thread of my argument to arrive at what was really intended.

Mr. President, throughout the long discussion of reservations by the Committee on Foreign Relations a majority of that committee have insistently, and I may say also consistently, opposed any wording in the reservation that would give the language of the treaty a construction that would be binding on all members of the treaty. They declared that this was not our purpose, that we were concerned only with the construction which we should apply to the treaty wherever we were concerned, and if other nations were willing to abide by a different construction between themselves, that was their exclusive concern, and it was none of our affair. So we declare in our reservations, "The United States so understands and construes," "the United States reserves to itself," "the United States assumes no obligations," "the United States will not submit," and so forth. We everywhere purposely refrain from either binding or asking any other nation to be bound as between themselves by our reservations.

As there can be no legal necessity for any formal acceptance of our reservations by other powers, there must be some other thought or sentiment responsible for this demand. We do not need to look very far to find it. It has manifested itself in nearly every proposed amendment. Like a gliding serpent, it is now concealed and now revealed throughout all of the different phrases of the reservations prepared by the committee.

It is the sentiment of malice, of hatred toward the covenant, which is so great that it irresistibly seeks to vent itself upon the wounded and bleeding nations, who, in their anguish and misery beyond description, have sought by this instrument to prevent a recurrence of such an awful tragedy to their country.

We have not been satisfied to demand special rights and privileges. We have demanded them in words of haughtiness and abruptness and inconsiderateness that could not but leave a sting.

Harsh and stern as were the terms necessarily imposed upon Germany by this treaty, the language of the victor toward the vanquished was far more considerate and moderate than that often used to evidence our dissent from features of the treaty prepared by our own envoys in conjunction with those of other friendly powers.

Now, undoubtedly the hardest clause of this treaty and the one most repugnant to the sensitiveness and the pride of the German envoys was that which compelled them to publicly declare and accept for their country the sole responsibility for this ungodly war and all the loss and damage resulting therefrom, which exacted from them a plea of guilty of all of the offenses and all of the atrocities they committed in this sanguinary conflict. Yet, Mr. President, we and our allies deemed this admission necessary and proper not only as a justification, but as a basis for assessing damages against the German Empire and her allies.

There, however, we were dealing with an enemy whose conduct during the war had been most cruel and shocking. Recognizing bitterness on the part of those who suffered from those atrocities, it was most natural that language should be firm and should be even dictatorial.

But in this treaty we are dealing with our allies, with those whom we called friends as long as they were fighting our battle with us, those who not only fought with us but did most of the fighting, most of the dying, most of the suffering in defense of a great world principle, in a war which we acknowledged was, in its ultimate possibilities, as much our war as it was the war of any other country. Now, why should we treat them as a hated enemy?

If we must insist upon rights and privileges on our part which are not accorded other nations, if we must compel all the other members to occupy a position of inferiority, if, in order to secure our consent to this league of nations, it is necessary for them to surrender their own equality, why should we seek to make them come out publicly and openly and make acknowledgment that in their dire distress, so impoverished by this war that they dare not contemplate the possibility of another, they are compelled to acknowledge that our support of the league to prevent its recurrence could only be purchased by conceding to us special rights and special privileges?

If it is not necessary, why should we seek any exultant joy in compelling them publicly to swallow their bitter pill? I confess I can not understand this spirit.

Article 10 of the treaty imposes a moral obligation upon every member of the compact to protect the territorial integrity and political independence of every other member from external aggression. By our second reservation we excuse ourselves from such obligation unless our Congress in its wisdom should so declare when the occasion arises. That is probably one of the most important obligations to be found in the league of nations provisions. We hold ourselves aloof from these other nations. They are bound to come to the defense of any other nation whose territory is invaded for an aggressive purpose by any other nation, but under our reservation we are not compelled to do so.

Again, under the terms of the treaty, while purely domestic concerns are withheld from consideration by either council or assembly, whether the dispute does or does not involve an international matter, must, under the treaty, necessarily in the end be decided by the council or assembly. In other words, if a controversy arises as to whether a question is a domestic or an international question, the council or the assembly must, under the treaty as it now stands, determine that question. But by the fourth reservation we can hold ourselves superior to those rules which would govern other members of the compact and reserve to ourselves exclusively the right to decide what questions are within our domestic jurisdiction and what questions are without it. The same thing is true in respect to the Monroe doctrine. While the treaty excepts the Monroe doctrine from consideration, questions might naturally arise whether a dispute would fall within the scope of the Monroe doctrine, and that would necessarily require a decision by the council or the assembly as to what the Monroe doctrine is. But here again we place ourselves above and superior to our copartners in this world league and maintain that the United States is to be the sole judge whether a matter falls within the Monroe doctrine.

I am not claiming that that is not as it should be; but what I am insisting upon is that we hold a position superior to that of the other nations in that respect, and necessarily place them in an inferior position before this brotherhood of great nations.

Mr. President, there are numerous other provisions in our reservations which reserve to ourselves rights and privileges not accorded other members of the league. Such special privileges, of course, destroy the equality principle in the league of nations. The other nations, dealing with each other with entire equality, granting and reserving no privilege that is not granted or reserved to others, must necessarily feel a degree of chagrin if not of resentment at our assumed superiority. But, measuring the benefits which they hope to secure by this agreement and recognizing that they have been nearly bankrupted by this war, they will undoubtedly bow their pride and acquiesce in the conditions we impose. Under those circumstances ought we not to exhibit a spirit of generosity? That is all. Ought we not to be just a little considerate of those countries and at least allow them the right of silent acquiescence, which we have allowed in every other treaty where we have made reservations, except, possibly, the one with reference to the Danish Islands?

There have been a number of occasions in our own history when a President has found it necessary either to allow a bill

to become a law without his signature or to veto it. Often a President may find in a bill that which is repugnant to his idea of right and justice, but he may find other things in the bill which are absolutely necessary for the carrying on of governmental functions, as, for instance, in the case of bills to raise revenue and appropriations bills. He does not wish to give his adherence to the one objectionable provision, and, therefore, he allows the bill to become a law by acquiescence, by allowing it to remain for 10 days without putting his signature to it. I can recall the case of a revenue bill having been so treated by President Cleveland, and other similar cases might be cited.

Do you not think, Mr. President, that the least we can do, if we adopt these reservations, is to allow the other countries to acquiesce in our construction and our special privileges, without an attempt to "rub it in," for that is really all there is in this?

Mr. SMITH of Georgia. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. I yield.

Mr. SMITH of Georgia. Has the Senator from North Dakota explained just what he considers will amount to acquiescence?

Mr. McCUMBER. Anything which is done under the treaty, any action taken under it by the other powers, the appointment of commissions, the making of no objection whatever; their silence would be equivalent to acquiescence. We have again and again ratified treaties in which we have made special reservations, and no exchange of notes has passed between us and other nations.

Mr. SMITH of Georgia. If they should be notified by our Government of these reservations and yet made no objection, the Senator would consider that an acquiescence?

Mr. McCUMBER. Certainly; and they would be bound by the treaty. They will make no objections, because they can not make objections. I do not think, as some Senators believe, that the treaty would go back to the peace conference if we leave it in that way; and I prefer to leave it in that way. If the Senator from Georgia and myself have such relations between us that he is in a position to exact from me conditions which he knows place me in an inferior position to himself, as a considerate gentleman he would allow me at least to accept his proposal without compelling me to come out and acknowledge that he is my superior and that I must under the exigencies of the case accord to him superior rights.

Mr. SMITH of Georgia. But the Senator would have in the resolution of ratification a provision that the provisos shall become a part of such ratification?

Mr. McCUMBER. Certainly. I leave that in.

Mr. SMITH of Georgia. So that the ratification would not be binding except with the provisos?

Mr. McCUMBER. Oh, yes; they become a part of the treaty; there is no question about that. I leave in the first reservation these words:

The committee also report the following reservations and understandings to be made a part and a condition of the resolution of ratification.

Mr. SMITH of Georgia. As a condition of such ratification?

Mr. McCUMBER. It is a condition of the ratification. All the reservations are a condition of the ratification. In other words, we ratify the treaty with these conditions, and therefore they become a part of the ratification and a part of the treaty itself.

While we have been voting down amendments because we wished to avoid further delay and believe we can accomplish everything we seek by proper reservations, we are to be trapped into the same situation by compelling a ratification of the reservations by the other powers. I know that since first written the Senator from Massachusetts [Mr. Lodge] has changed the method of the assent of the other powers by providing that it shall be by a mere exchange of notes, but, after all, it means practically the same thing.

Mr. President, dull indeed must be he who fails to comprehend that there can be no possible difference between compelling a reconsideration to accept particular reservations and compelling a reconsideration by reason of amendments. If the acceptance of these reservations must be had by each nation separately without reconvening the peace conference, then amendments could be dealt with exactly in the same way by each one of the separate nations.

Mr. SMITH of Georgia. Would it interrupt the Senator if I should ask him another question?

Mr. McCUMBER. No; I yield to the Senator.

Mr. SMITH of Georgia. Are not some of the reservations that we contemplate making—at least, some that I contemplate supporting—such as involve entirely our own conduct inside

of this country as between the act of the President and the act of Congress? Ought we to call on the foreign nations to express any opinion at all about such a question? Is that not another reason why it is desirable that there should be merely acquiescence rather than formally expressed approval?

Mr. McCUMBER. Yes. I was going to mention that further on, but I can refer to it right now. The reservations provide how we shall appoint members to various committees or commissions and provide that no appointment shall be made until Congress has provided for it by law. That is not a matter of any concern whatever to the other countries; that is our own concern. We should not ask them to acquiesce in our congressional acts or in congressional acts which we propose to provide for in the resolution.

Mr. SMITH of Georgia. Or to formally express approval of them.

Mr. McCUMBER. The other apparent purpose, I say candidly, is to defeat the treaty by this unique process. In other words, we are to ratify the treaty by the United States Senate, and leave a string in the hands of a foreign power to undo what the United States has done. That is exactly what it means. It is a surrender to those who will vote against the treaty. It is a new method of killing the treaty after we have adopted it. Those who have formulated this provision have done so with the hope that any action of the Senate in ratifying this treaty may be undone and the ratification changed into a rejection by us by reason of the failure of certain other nations to accept formally our special reservations.

No one can doubt that. All that can be said in defense of it is that we have only put it in the hands of four powers to set aside our ratification, instead of placing it in the hands of all of them.

The authors of this preamble know that if the sixth one of these reservations, for instance, should pass the Senate, Japan could not and would not formally accept it. That would put Japan out of the case entirely. They understand that, and that is why they use the language that the reservations shall be accepted by three out of the four. They ought to know that it could not possibly be covered up if you said all of them, because they understand as well as any Senator understands that it would be impossible for Japan, if she is a nation to be respected by her own people, to have the United States take from her territory that she obtained through the struggle in this great war, to deprive her of her right of conquest.

That would put Japan out. It would also, in my opinion, put Italy out. Italy to-day is smarting under her failure to secure Fiume; and should she decline openly to vote to give the United States these special privileges, although naturally she would take no steps to negative our action, such nonaction on her part would nullify our acceptance. Now, why should we place in the hands of Italy the power to nullify a ratification by the Senate of the United States?

Or suppose France should say, "While we are so situated that we can not oppose these special privileges and reservations by the United States, and while we will accept them in silence, we can not afford to say to our people, by any positive action or legislation, that we do not come into this league of nations on an equality with the greatest power in it." Any failure on the part of France to acknowledge formally our superior claims would change our acceptance into a rejection, because that is the way the preamble reads.

I can not understand, Mr. President, how any Senator who could vote against amendments, for any of the reasons that have been given for voting against them, can now turn around and vote for this preamble proposition, designed to effectuate the very purpose which by his vote he declared should not be effectuated, namely, the final defeat of this treaty.

There can be no question, Mr. President, as to the meaning of this preamble, because it says "which ratification is not to take effect or bind the United States until the said reservations and understandings" have been accepted as a part and condition of the resolution of ratification by these other powers. The ratification is not to take effect until then. In other words, when we vote for the ratification of this treaty we have not voted for its ratification. We have voted to hold it in abeyance until three out of four other powers shall say that the ratification of the United States Senate shall have effect.

Is it not the most unique proposition that was ever put up to the Senate of the United States—this effort to defeat the solemn ratification of a treaty by putting into the hands of four foreign powers the rope that is to strangle it? I can not vote for that proposition, Mr. President.

Mr. EDGE. Mr. President, I have voted very consistently against all of the amendments that have been proposed to the pending treaty. I have voted against them mainly for two rea-

sons, which I have partially explained from time to time upon the floor of the Senate—one as a matter of expedition in disposing of the treaty; the other, a conviction that the Senate of the United States was primarily concerned when considering the treaty in positively and absolutely protecting the independence and sovereignty of our own country, rather than attempting to rewrite the document which in effect we would be doing by amending it textually, and being unequipped with the information necessary to rewrite it. By an amendment, we attempt to control another's destiny; by a reservation, we are only asserting our own position. But in voting against amendments I have stated, and want to take this opportunity to reiterate, that I do not want any question, so far as my vote is concerned, as to the protection of the independence and sovereignty of our own country; and in considering reservations which are now coming before us I hope the reservations will thoroughly protect this country in the manner that it must be protected.

This is too important a matter, Mr. President, to depend even upon precedent—the precedent that silence means acquiescence. I believe precedent has established that in similar negotiations; but this is not a negotiation between two nations. It is a negotiation or a covenant between practically all of the nations of the world; and, so far as I am concerned, when we adopt reservations—which we will, I am sure, and which we must, so far as my vote for final ratification is concerned—I can see no logical reason why we should not, through a courteous exchange of notes, at least, have those reservations agreed to by a majority of the nations involved.

It seems to me it is a matter that hardly merits argument. If they object or any one of them objects to the reservations we make or to any one of the reservations we make, and will not join with us because of that objection, they certainly must say so. They must reduce it to writing. If they do not object, then there can be no reason in the world why likewise they should not say so.

Therefore, even though silence may be acquiescence, and thus treaty negotiations be understood and their understandings carried out, in a matter so important as this, practically forming a new government, I think we owe it to the people of the United States that when we complete our reservations at least an exchange of notes in agreement from three of the four other powers should be demanded by this country.

I feel, again trying to emphasize my position as I look upon reservations as compared to amendments, that we can not go too far. I will qualify that. I do not mean that we can go so far with reservations as to render impossible a league of nations. I am not prepared for that, because I want to see a league of nations, and I want to see it function, and I want to see the moral influence of this country exerted. As we evaded no responsibility in war, we should not in times of peace. But I believe these reservations should be so positive that we will have an anchor to windward now, so that, when any question is raised, our representative in the league of nations or in the council will be in such a position that the honor of this country will be in no way involved in a position that he may take under our reservations.

This certainly involves no humiliation on the part of our allies. In making our reservations we in no way deny them a like privilege.

Therefore, in a matter so important, I can not conceive how the Senate would be doing its full duty, if a majority of this body agree that reservations shall be made, not to have that frankly and positively understood by an ordinary exchange of diplomatic notes.

Mr. THOMAS. Mr. President, the instance which the Senator from Massachusetts cited a few moments ago in support of the authority of the Government to require an express acquiescence in such reservations as we may attach to our resolution of ratification does not seem to me to be an apposite one. I differ from the Senator from Massachusetts upon subjects of international concern and the exercise of the treaty-making power with a good deal of hesitation, for the Senator's experience and the long time of his service in the Senate of the United States give him the right to speak by authority.

I am unable, however, to perceive the analogy between the imposition of a condition to the ratification of a treaty with one nation, the object of which is to secure territory by purchase, and which partakes, therefore, of a purely commercial nature, and the situation which confronts us in our consideration of such a treaty as this. This is a document prepared by 32 nations on one side and 1 nation on the other, and the condition which this first reservation imposes is not imposed upon Germany, which is the other party to the document, but upon our own allies and associates, with whom we have so far conditionally agreed.

It would seem that the mere statement of such a difference was conclusive of the proposition. But if it is not, then, as was well said by the Senator from North Dakota [Mr. McCUMBER], there can be no logic or consistency in requiring the assent or the ratification of but 3 of these 32 powers as necessary to make our ratification effective. I am unable to perceive why, if any such express assent by one or more of our associates is necessary, it is not more necessary to demand the same assent from Germany.

Had there been other analogies or precedents, I am sure the Senator from Massachusetts [Mr. LODGE] would have given them to the Senate. The fact that there is but one, and that concerning a treaty for the purchase of the Virgin Islands, and the condition being one which our Government deemed essential to the consummation of the purchase, it should stand upon a far different basis morally and in dignity from an agreement like this, which seeks to conserve the common interests of 32 nations in a treaty of peace following the close of the greatest war of history.

I again say, Mr. President, that we should concern and content ourselves with the imposition in our resolution of ratification of every reservation which in our judgment is necessary to safeguard and protect our interests, leaving it to our associate nations to act as they may choose concerning these reservations, and without virtually notifying them in advance that unless a certain number of them accept these reservations there will be no treaty.

RECESS.

Mr. CURTIS. Mr. President, I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate took a recess until to-morrow, Friday, November 7, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, November 6, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We invoke Thy blessing, Father in heaven, upon all the proceedings of this House, that every question which presents itself may be wisely, justly, amicably disposed of, with perfect urbanity, kindness, and good will among its Members; that the problems disposed of may redound to the good of all and advance the interests of the Commonwealth. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had concurred in the following concurrent resolution:

House concurrent resolution 30.

Whereas the steamship *Lake Daraga* is expected to arrive in New York on or about November 9, bearing the first bodies of American soldiers from the fields of the World War; and Whereas it is proper and fitting that due recognition be given to the return to our shores of the mortal remains of those men who gave their lives for the cause of freedom: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That a committee of six Members of the House of Representatives, to be selected by the Speaker, and six Members of the Senate, to be selected by the President of the Senate, be appointed to represent the Congress at such appropriate ceremonies at the port of New York as may be determined upon as proper and appropriate.

That the expenses of said committee and of the ceremonies arranged by it shall be paid one-half out of the contingent fund of the House and one-half out of the contingent fund of the Senate on vouchers to be signed by the chairman of the House and Senate committees, respectively.

The message also announced that the Senate had passed without amendment H. J. Res. 241, to suspend the requirements of annual assessment work on mining claims during the year 1919.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 7751. An act authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla.

PERMISSION TO ADDRESS THE HOUSE.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. ASWELL] be permitted to address the House for 35 minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Louisiana [Mr. ASWELL] be permitted to address the House for 35 minutes. Is there objection?

Mr. REAVIS. Mr. Speaker, reserving the right to object, I am advised that there is a matter coming up here that I think is more or less pertinent to what the gentleman from Louisiana desires to talk about. There will be an hour of general debate on a side. Can not the gentleman get in on general debate?

Mr. CLARK of Missouri. He would if somebody over there did not rise up and object to what he was saying and get into a wrangle and waste his time.

Mr. REAVIS. If I understand it correctly, under the rule the general debate will not be confined to the subject matter of the resolution.

Mr. CLARK of Missouri. Does the gentleman object to this?

Mr. REAVIS. Inasmuch as the gentleman from Louisiana can get in under general debate, I object.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent to proceed for—

A QUORUM—CALL OF THE HOUSE.

Mr. BLANTON. Mr. Speaker, I think we ought to have a quorum here. I make the point of no quorum. If a man on this side of the House can not get a few minutes in which to address the House, I think we ought to get a quorum.

The SPEAKER. The gentleman from Texas makes the point that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Fordney	Luce	Sanders, Ind.
Andrews, Md.	Frear	Lufkin	Sanders, La.
Ashbrook	Fuller, Ill.	McAndrews	Sanders, N. Y.
Baer	Gallivan	McCulloch	Saunders, Va.
Barkley	Gandy	McDuffie	Scully
Bell	Ganly	McKenzie	Sherwood
Benson	Garland	McKeown	Sinclair
Blackmon	Garner	McKinley	Sisson
Boies	Godwin, N. C.	McKinley	Slomp
Booher	Goldfogle	McLane	Smith, N. Y.
Britten	Good	Maher	Snell
Brooks, Pa.	Goodall	Mann, Ill.	Snyder
Brumbaugh	Gould	Mason	Stephens, Miss.
Campbell, Pa.	Griest	Mead	Sullivan
Cantrill	Griffin	Montague	Swope
Carew	Hamill	Mooney	Tague
Carter	Haskell	Moore, Ind.	Taylor, Ark.
Casey	Hawley	Mudd	Taylor, Colo.
Costello	Hill	O'Connell	Thomas
Cullen	Hull, Iowa	Ogden	Timcher
Curry, Calif.	Humphreys	Paige	Tinkham
Davey	Hutchinson	Parker	Towner
Davis, Minn.	Ireland	Peters	Treadway
Dempsey	Johnson, Ky.	Porter	Vare
Dooling	Johnson, S. Dak.	Rainey, H. T.	Voigt
Doremus	Johnston, N. Y.	Rainey, J. W.	Ward
Doughton	Kahn	Ramsey	Webb
Drane	Kendall	Reed, N. Y.	Webster
Dunn	Kennedy, Iowa	Riddick	Welty
Eagan	Kennedy, R. I.	Riordan	White, Me.
Eagle	Kettner	Robison, Ky.	Wilson, Ill.
Echols	Kincheloe	Rodenberg	Wilson, Pa.
Ferris	LaGuardia	Rogers	Wise
Fess	Langley	Rouse	Woodyard
Fields	Lehbach	Rowen	Yates
Flood	Little	Sabath	Young, N. Dak.

The SPEAKER. Two hundred and eighty-four Members have answered to their names—a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

The doors were opened.

SURPLUS ARMY MOTOR VEHICLES.

Mr. KREIDER. Mr. Speaker, by direction of the Committee on Rules, I submit the following resolution from the Committee on Rules and ask that it be agreed to. I ask that the resolution be read.

The SPEAKER. The gentleman from Pennsylvania submits a privileged resolution from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the House shall take up for consideration House resolution 362, being a resolution providing for the distribution and sale of surplus Army motor vehicles; that there shall be two hours of debate on the resolution, one-half to be controlled by the gentleman from Nebraska [Mr. REAVIS]

and one-half to be controlled by the gentleman from New York [Mr. DONOVAN]; that during the debate it shall be in order to offer amendments which shall be pending; that at the conclusion of the debate the amendments shall be voted upon in the order in which they are offered; that at the conclusion of the voting on said amendments the previous question shall be considered as ordered on the resolution and amendments to final passage, without intervening motion, except one motion to recommit.

Mr. KREIDER. Mr. Speaker, does the gentleman from Tennessee [Mr. GARRETT] desire any time?

Mr. GARRETT. After a few moments I suggest that the gentleman move the previous question; then we shall have 20 minutes on a side.

Mr. BROWNE. Mr. Speaker, reserving the right to object, I will state that I am opposed to this.

Mr. KREIDER. Mr. Speaker, there is no request for time. I move the previous question.

Mr. BROWNE. Mr. Speaker, reserving the right to object—

Mr. KREIDER. Mr. Speaker, I move the previous question on the adoption of the resolution.

Mr. HARRISON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON. At what stage would it be permissible to offer amendments to the resolution?

The SPEAKER. It depends on whether the previous question is ordered or not. It would not be in order until it is read, at any rate.

Mr. HARRISON. The resolution provides that amendments must be offered during general debate.

The SPEAKER. The gentleman can not debate it. It depends on whether the previous question is ordered.

Mr. GARRETT. The gentleman from Virginia [Mr. HARRISON] is referring to the resolution that this rule makes in order. This is upon the rule, not upon the resolution.

The SPEAKER. The Chair did not understand the gentleman. That question will not be for the Speaker to decide. That will be for the Chairman of the Committee of the Whole to decide.

Mr. HARRISON. What I want to know is at what time amendments can be offered?

The SPEAKER. That will be for the Chairman of the Committee of the Whole to control.

Mr. EVANS of Montana. At any time during the debate?

The SPEAKER. Upon examining the resolution, the Chair sees that he was mistaken. The resolution does not provide for going into Committee of the Whole. The amendments will be considered according to the rule during the general debate.

Mr. HARRISON. The point I desire to inquire about is whether the resolution is open for any Member of the House to offer amendments, and as to the time when he will have the right to offer them; whether it should be done now or afterwards?

The SPEAKER. Not until after the resolution is adopted.

Mr. KREIDER. I move the previous question.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the adoption of the rule.

The previous question was ordered.

Mr. KREIDER. Mr. Speaker, I do not care to debate the resolution, because it is self-explanatory, and two hours' debate are provided under the rule.

I reserve the remainder of my time.

Mr. GARRETT. Mr. Speaker, in view of the confusion which existed in the House at the time the resolution was read, I think it will be well to state briefly just what it means. There has been reported to the House from the Special Committee on Expenditures in the War Department a resolution which was reported to the full committee by the subcommittee on quartermaster's expenditures presented by the gentleman from Nebraska [Mr. REAVIS], requesting the Secretary of War to send to the State highway commissions those motor vehicles that have been requisitioned for use in road building, and to sell the other vehicles that have been up to this time, and shall hereafter be, declared to be surplus. This is a rule to make the consideration of that resolution in order. The rule provides that there shall be two hours of general debate, one-half to be controlled by the gentleman from Nebraska [Mr. REAVIS] and one-half by the gentleman from New York [Mr. DONOVAN]; that during the general debate amendments to the Reavis resolution may be offered, and that they shall be voted upon at the conclusion of the general debate in the order in which they are offered, and that then the previous question shall be considered as ordered upon the Reavis resolution and all amendments thereto to final passage, without intervening motion, except one motion to recommit.

Mr. WALSH. Will the gentleman yield?

Mr. GARRETT. Yes.

Mr. WALSH. Is it necessary under this rule that a man shall have time yielded to him in order to offer an amendment?

Mr. GARRETT. That question was asked in the Committee on Rules, and it was thought that it might be done in that way, and that the resolution would be construed to mean that if a Member did not have time yielded to him before the conclusion of the general debate he should have an opportunity to offer amendments before the previous question was voted upon.

Mr. WALSH. Can it be interpreted in that way?

Mr. GARRETT. That was the construction placed upon it by the majority members of the Committee on Rules.

Mr. KITCHIN. Under that construction, could they discuss the amendments?

Mr. GARRETT. No. This is a House resolution. The House will not go into the Committee of the Whole on the state of the Union for the consideration of it. It is a simple House resolution.

The minority are not objecting to the consideration of this resolution from the Committee on Rules—

Mr. WALSH. Does not the rule provide that the previous question shall be considered as ordered after two hours?

Mr. GARRETT. No; it provides that after the amendments are disposed of, then the previous question shall be considered as ordered.

Mr. HASTINGS. Is the discussion confined to the resolution in the general debate?

Mr. GARRETT. It is not. It simply says there shall be two hours of debate on the resolution.

Mr. LONGWORTH. Then, is it the gentleman's construction that after the general debate shall be concluded gentlemen may nevertheless be recognized in their own right to offer amendments?

Mr. GARRETT. That was the impression, as I understand, of the majority members of the Committee on Rules. I myself in the committee asked that question, because I wanted to be sure that opportunity would be presented, and that was the construction of the majority members of the Committee on Rules.

Now, as I was about to say, the minority are not objecting to this resolution nor objecting to its coming at this time if the majority party desire to sidetrack the very important banking bill that is pending in order to take this matter up for consideration. Of course, the majority party are responsible; we are not responsible.

Mr. RAKER. I want to ask the gentleman whether this would be binding upon the Secretary as a law would be?

Mr. GARRETT. It is a simple request, a simple House resolution. There is no law at all involved in the Reavis resolution. It is a simple request of the Secretary of War.

Mr. RAKER. The Senate has nothing whatever to do with it?

Mr. GARRETT. Nothing whatever. It is a simple House resolution.

Mr. HARRISON. Mr. Speaker, I should like to ask the gentleman from Tennessee the question that I asked the Speaker, whether at the conclusion of the general debate any Member will have the opportunity of offering amendments?

Mr. GARRETT. I will say to the gentleman from Virginia, as I said in answer to the gentleman from Massachusetts [Mr. WALSH], and other gentlemen who propounded a similar inquiry, that that question was asked—I think by myself; at any rate, I know it was asked in the Committee on Rules, and the majority members of the Committee on Rules held that amendments could be offered; that if a Member did not get time yielded to him during the general debate for the purpose of offering an amendment, immediately upon the conclusion of the two hours of talk a chance would be given to offer it, but there will be no chance to debate the amendments.

Mr. HARRISON. Then I ask unanimous consent that that shall be the construction adopted by the House.

The SPEAKER. The gentleman from Tennessee has the floor.

Mr. GARRETT. I yield five minutes to the gentleman from Virginia.

Mr. HUDSPETH. Will the gentleman yield a moment? I should like to ask the gentleman from Tennessee why he does not make this a concurrent resolution; why it would not be better to do that? It has not the effect of law, as I understand it.

Mr. GARRETT. It has not. I happen to be a member of the Committee on Expenditures, but I am not a member of the subcommittee that reported the resolution, and had nothing to do with its preparation.

Mr. BANKHEAD. Will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. BANKHEAD. This may properly come up on discussion of the resolution, but I am asking the gentleman a question for information. Has the department refused to turn over to the Department of Agriculture any of these vehicles?

Mr. GARRETT. I am not informed on that question. Mr. Speaker, I now yield five minutes to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the construction placed upon the rule by the gentleman from Tennessee as to offering amendments be adopted by the House.

The SPEAKER. The gentleman from Virginia asks unanimous consent that in construing the rule amendments shall be held to be in order at the conclusion of the general debate. Is there objection?

Mr. CAMPBELL of Kansas. Reserving the right to object, with the understanding that the amendments are not debatable.

Mr. HARRISON. Yes; with that understanding.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HARRISON. Mr. Speaker and gentlemen of the House, I really see no objection that can be urged against the resolution, if properly amended, except that it will not have the force of law. All the States in this Union, I believe nearly every one of them, has entered on a very large road-building program. I am informed by the Bureau of Public Roads of the Agricultural Department that \$750,000,000 is to be dedicated this year to public roads, and that many of these States have made their appropriations upon the theory that they will get the benefit of the act that was passed at the last session by which this surplus material, owned by the Government, used in road construction was to be distributed among them.

This resolution, it seems to me, is harmful in this. I propose to vote for it with amendments, but I think it is harmful in that it confines the request to those vehicles which are now declared as surplus. The figures that I put in the RECORD yesterday show unquestionably that hereafter there will be a large number of motor vehicles that will be declared surplus. There is also five or six million dollars' worth of other road-building material which under the law enacted at the last Congress should be distributed among the States. If this resolution has any force or effect, it will be to narrow the force of that statute by confining it to motor-propelled vehicles now declared surplus. It will not embrace material useful for road-building purposes that the statute left it discretionary with the Secretary of War to distribute, among which were these motor vehicles and other material.

He has announced positively that in the exercise of his discretion he would not include anything but the motor vehicles which have already been declared surplus. So, unless some mandatory statute is enacted, the States will be deprived of road-building material which under the provisions of the former law would be applicable to road-building purposes. The resolution simply indorses the action which the Secretary of War has taken, and will be an authority to him not to distribute the road-building material, such as motor propelled, and is not included in matters already declared surplus.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. GARRETT. How much time have I remaining?

The SPEAKER. The gentleman has eight minutes.

Mr. GARRETT. I yield three minutes more to the gentleman.

Mr. WATSON of Virginia. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. WATSON of Virginia. May I ask the gentleman to tell the House in general what other kinds of material he has in mind?

Mr. HARRISON. There are a large number of scrapers, donkey engines, industrial railroads, hods, rock crushers, and articles of that character which have been used by the War Department for road-building purposes.

Mr. BEE. Will the gentleman yield for a question?

Mr. HARRISON. Yes.

Mr. BEE. Does that include the caterpillar tractors?

Mr. HARRISON. There are \$40,000 worth of these tractors waiting the decision of this Congress. On that matter the Military Affairs Committee has already reported a bill, and all that the Rules Committee had to do was to take that bill and bring it before Congress.

Mr. REAVIS. I do not know that I understood the gentleman correctly. Did the gentleman state that the present resolution provided only for motor-propelled vehicles now declared surplus?

Mr. HARRISON. That is the way I understand it.

Mr. REAVIS. The resolution says "and that all Army motor vehicles now or hereafter declared surplus."

Mr. HARRISON. You limit it to a number.

Mr. REAVIS. Yes; and it provides for "22,195 motor vehicles, for which requisition has heretofore been made by the Secretary of Agriculture, and that all other Army motor vehicles

now or hereafter declared surplus be immediately offered for sale at public auction."

Mr. HARRISON. But you disregard the needs of the Public Health Service and the Post Office Department.

Mr. REAVIS. I think the gentleman will change his mind when he finds out the number of vehicles.

Mr. HARRISON. I produced certain tables yesterday, which I got from the Director of Sales, and these I have substantially had verified by Gen. Drake, of the Motor Transport Corps.

Mr. BROWNE. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. BROWNE. I want to call the gentleman's attention to this resolution. It simply confines it to 22,135 motor vehicles—

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. CARTER. Mr. Speaker, I yield the gentleman one minute more.

Mr. BROWNE. Mr. Speaker, the bill that has been favorably reported out by the Committee on Military Affairs not only includes motor vehicles but it also includes all road machinery, loaders, hoisting cables, and a great many things that this resolution does not cover.

Mr. HARRISON. That is true.

Mr. BROWNE. Does the gentleman know that a bill similar to the one passed in the Committee on Military Affairs of the House has passed the Senate and is now before the House?

Mr. HARRISON. I understand so.

Mr. BROWNE. Does not the gentleman think that we will get more effective legislation if we pass these two bills than if we pass this resolution?

Mr. HARRISON. This resolution does not amount to anything. The Secretary of War replies that he is already carrying out its purpose.

Mr. GARRETT. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Speaker, this resolution as proposed is simply a House resolution which "requests" the Secretary of War to deliver to the Secretary of Agriculture for distribution among the highway departments of the several States, for use on roads constructed in whole or in part by Federal aid, the 22,195 motor vehicles for which requisition has heretofore been made by the Secretary of Agriculture, and that all other Army motor vehicles now or hereafter declared surplus be immediately offered for sale at public auction to the American people.

It seems to me that better results would have been obtained if this had been a concurrent or a joint resolution, or if we had taken up the bill which passed the Senate on October 22 or the bill which is on the calendar unanimously reported by the Committee on Military Affairs, which provides for the distribution of motor trucks and all other available material for road-building purposes throughout the States. In the report on the pending resolution you will see it is stated that about 25 per cent of the motor vehicles have been distributed to the States, some of them receiving their full quota, whereas other States have received only a small proportion of that which they are entitled to. If that statement is correct, that is unjust. The law should be so drawn and administered so that all States shall receive their proportionate quota in accordance with the regulations, in accordance with the proportion of money that goes to the various States for road-building purposes. This resolution ought to be amended. I understand that amendments will be offered to it which will enlarge its provisions in order that larger benefits from it may be secured, and I hope such amendments when proposed will be adopted.

If these motor vehicles are sold, they will bring very little clear money for the Government, whereas if they are distributed to the States to be used for road-improvement purposes some good results will be obtained throughout the several States. What I am anxious to obtain is the distribution of this material which can be used for road improvement in the several States. I will vote for any resolution or bill that will secure that result. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. KREIDER. Mr. Speaker, the previous question having been ordered, I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. CALDWELL) there were—ayes 93, noes 3.

Mr. CALDWELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair

will count. [After counting.] One hundred and sixty-eight Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the adoption of the resolution.

The Clerk called the roll, and there were—yeas 267, nays 3, answered "present" 4, not voting 158, as follows:

YEAS—267.

Alexander	Edmonds	Lanham	Rhodes
Almon	Ellsworth	Lankford	Ricketts
Anderson	Emerson	Larsen	Robinson, N. C.
Andrews, Nebr.	Esch	Layton	Romjue
Anthony	Evans, Mont.	Lazaro	Rose
Aswell	Evans, Nebr.	Lee, Calif.	Rowe
Ayres	Evans, Nev.	Lee, Ga.	Rubey
Babka	Fairfield	Lehlbach	Rucker
Bacharach	Fisher	Leshner	Sanders, Ind.
Baer	Focht	Linthicum	Sanford
Bankhead	Foster	Loneragan	Schall
Barbour	Freeman	Longworth	Sells
Barkley	French	Luhning	Shreve
Bee	Fuller, Mass.	McArthur	Siegel
Begg	Gallagher	McClintic	Sims
Benham	Garrett	McFadden	Sinnot
Benson	Glynn	McGlennon	Small
Black	Goodwin, Ark.	McLaughlin, Mich.	Smith, Idaho
Bland, Va.	Goodykoontz	McLaughlin, Nebr.	Smith, Ill.
Blanton	Graham, Pa.	McPherson	Smith, Mich.
Bowers	Graham, Ill.	MacCrater	Smithwick
Box	Green, Iowa	MacGregor	Stegall
Brand	Greene, Mass.	Madden	Stedman
Briggs	Greene, Vt.	Magee	Steele
Brinson	Hadley	Major	Steenerson
Brooks, Ill.	Hardy, Colo.	Mansfield	Stephens, Ohio.
Browning	Hardy, Tex.	Mapes	Stevenson
Buchanan	Hastings	Mays	Stines
Burdick	Haugen	Michener	Strong, Kans.
Burroughs	Hayden	Miller	Strong, Pa.
Butler	Hays	Minahan, N. J.	Summers, Wash.
Byrnes, S. C.	Heflin	Moonahan, Wis.	Sweet
Byrns, Tenn.	Hernandez	Mondell	Taylor, Colo.
Campbell, Kans.	Hershey	Moon	Taylor, Tex.
Candler	Hersman	Moore, Ohio	Temple
Canaway	Hickey	Moore, Pa.	Thompson
Carss	Hicks	Moore, Va.	Tilman
Chidblom	Hoch	Morgan	Tilson
Christopherson	Holland	Mott	Timberlake
Clark, Fla.	Houghton	Murphy	Upshaw
Classon	Howard	Neely	Vaile
Cleary	Huddleston	Nelson, Mo.	Venable
Coady	Hudspeth	Newton, Minn.	Vestal
Cole	Hull, Tenn.	Newton, Mo.	Vinson
Collier	Husted	Nichols, Mich.	Volstead
Connally	Igoe	O'Connor	Walsh
Cooper	Jacoway	Oliver	Walters
Cramton	James	Olney	Wason
Crisp	Jefferis	Osborne	Watkins
Crowther	Johnson, Miss.	Overstreet	Watson, Pa.
Currie, Mich.	Johnson, Wash.	Padgett	Watson, Va.
Curry, Calif.	Jones, Pa.	Park	Weaver
Dale	Jones, Tex.	Parrish	Welling
Dallinger	Juhl	Pell	Whaley
Darrow	Kearns	Phelan	Wheeler
Davis, Tenn.	Keller	Platt	White, Kans.
Denison	Kelley, Mich.	Pou	Williams
Dewalt	Kelly, Pa.	Purnell	Wilson, La.
Dickinson, Mo.	Kless	Quin	Wilson, Pa.
Dominick	King	Radcliffe	Wingo
Donovan	Kinkaid	Raker	Woods, Va.
Dowell	Kitchin	Ramseyer	Wright
Dunbar	Klecza	Randall, Calif.	Yates
Dupré	Knutson	Randall, Wis.	Young, N. Dak.
Dyer	Kraus	Reavis	Young, Tex.
Echols	Kreider	Reber	Zihlman
	Lampert	Reed, W. Va.	

NAYS—3.

Browne	Caldwell	Dent
		ANSWERED "PRESENT"—4.
Bland, Ind.	Cannon	Harrison
		NOT VOTING—158.

Ackerman	Drane	Haskell	McKinley
Andrews, Md.	Dunn	Hawley	McLane
Ashbrook	Eagan	Hill	Maher
Bell	Eagle	Hulings	Mann, Ill.
Blackmon	Elliott	Hull, Iowa	Mann, S. C.
Bland, Mo.	Elston	Humphreys	Martin
Boies	Ferris	Hutchinson	Mason
Booher	Fess	Ireland	Mead
Britten	Fields	Johnson, Ky.	Merritt
Brooks, Pa.	Flood	Johnson, S. Dak.	Montague
Brumbaugh	Fordney	Johnston, N. Y.	Mooney
Burke	Frear	Kahn	Moore, Ind.
Campbell, Pa.	Fuller, Ill.	Kendall	Morin
Cantrill	Gallivan	Kennedy, Iowa	Mudd
Carew	Gandy	Kennedy, R. I.	Nelson, Wis.
Carter	Ganly	Kettner	Nicholls, S. C.
Casey	Gard	Kincheloe	Nolan
Clark, Mo.	Garland	LaGuardia	O'Connell
Copley	Garner	Langley	Ogden
Costello	Godwin, N. C.	Little	Oldfield
Crago	Goldfogle	Luce	Paige
Cullen	Good	Luffkin	Parker
Davey	Goodall	McAndrews	Peters
Davis, Minn.	Gould	McCulloch	Porter
Dempsey	Griest	McDuffie	Rainey, Ala.
Dooling	Griffin	McKenzie	Rainey, H. T.
Doremus	Hamill	McKeown	Rainey, J. W.
Doughton	Hamilton	McKiniry	Ramsey

Rayburn	Saunders, Va.	Sullivan	Ward
Reed, N. Y.	Scott	Summers, Tex.	Webb
Riddick	Scully	Swope	Webster
Riordan	Sherwood	Tague	Welty
Robison, Ky.	Sinclair	Taylor, Ark.	White, Me.
Rodenberg	Sisson	Thomas	Wilson, Ill.
Rogers	Slemp	Tincher	Winslow
Rouse	Smith, N. Y.	Tinkham	Wise
Rowan	Snell	Towner	Wood, Ind.
Sabath	Snyder	Treadway	Woodyard
Sanders, La.	Stephens, Miss.	Vare	
Sanders, N. Y.	Stoll	Voigt	

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. RIDDICK with Mr. GALLIVAN.

Mr. TINCHER with Mr. THOMAS.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. SINCLAIR with Mr. TAGUE.

Mr. GOODALL with Mr. ROUSE.

Mr. GOULD with Mr. RIORDAN.

Mr. LANGLEY with Mr. FIELDS.

Mr. KAHN with Mr. MEAD.

Mr. VARE with Mr. BRUMBAUGH.

Mr. PETERS with Mr. GANLY.

Mr. NELSON of Wisconsin with Mr. GOLDFOGLE.

Mr. OGDEN with Mr. GODWIN of North Carolina.

Mr. PAIGE with Mr. GARD.

Mr. GRIEST with Mr. RAYBURN.

Mr. PORTER with Mr. FERRIS.

Mr. RAMSEY with Mr. EAGLE.

Mr. MCKINLEY with Mr. GANDY.

Mr. DAVIS of Minnesota with Mr. HENRY T. RAINEY.

Mr. ROBISON of Kentucky with Mr. EAGAN.

Mr. FULLER of Illinois with Mr. NICHOLLS of South Carolina.

Mr. HAMILTON with Mr. JOHN W. RAINEY.

Mr. HASKELL with Mr. RAINEY of Alabama.

Mr. ACKERMAN with Mr. DOUGHTON.

Mr. BOIES with Mr. SEARS.

Mr. VOIGT with Mr. BLAND of Missouri.

Mr. WARD with Mr. BLACKMON.

Mr. HULINGS with Mr. OLDFIELD.

Mr. KENDALL with Mr. MANN of South Carolina.

Mr. KENNEDY of Iowa with Mr. MAHER.

Mr. TINKHAM with Mr. CANTRILL.

Mr. TOWNER with Mr. CAMPBELL of Pennsylvania.

Mr. KENNEDY of Rhode Island with Mr. McLANE.

Mr. LA GUARDIA with McKINNEY.

Mr. LITTLE with Mr. McKEOWN.

Mr. WILSON of Illinois with Mr. BELL.

Mr. COPLEY with Mr. SULLIVAN.

Mr. COSTELLO with Mr. STOLL.

Mr. CRAGO with Mr. STEPHENS of Mississippi.

Mr. DEMPSEY with Mr. SMITH of New York.

Mr. WINSLOW with Mr. ASHBROOK.

Mr. TREADWAY with Mr. BOOHER.

Mr. WHITE of Maine with Mr. GARNER.

Mr. ANDREWS of Maryland with Mr. WISE.

Mr. BRITTEN with Mr. WELTY.

Mr. WOOD of Indiana with Mr. HUMPHREYS.

Mr. DUNN with Mr. SISSON.

Mr. ELSTON with Mr. SHERWOOD.

Mr. FESS with Mr. SCULLY.

Mr. FORDNEY with Mr. SAUNDERS of Virginia.

Mr. RODENBERG with Mr. DOREMUS.

Mr. ROGERS with Mr. DOOLING.

Mr. SANDERS of New York with Mr. DAVEY.

Mr. LUCE with Mr. McDUFFIE.

Mr. LUFKIN with Mr. McANDREWS.

Mr. MCKENZIE with Mr. KETTNER.

Mr. MANN of Illinois with Mr. JOHNSTON of New York.

Mr. MOORES of Indiana with Mr. JOHNSON of Kentucky.

Mr. MORIN with Mr. HAMILL.

Mr. MUDD with Mr. GRIFFIN.

Mr. BROOKS of Pennsylvania with Mr. TAYLOR of Arkansas.

Mr. BURKE with Mr. SUMNERS of Texas.

Mr. FREAR with Mr. SANDERS of Louisiana.

Mr. GARLAND with Mr. SABATH.

Mr. GOOD with Mr. ROWAN.

Mr. HULL of Iowa with Mr. O'CONNELL.

Mr. SCOTT with Mr. CULLEN.

Mr. SLEMP with Mr. CLARK of Missouri.

Mr. SNELL with Mr. CASEY.

Mr. SNYDER with Mr. CARTER.

Mr. HUTCHINSON with Mr. MOONEY.

Mr. IRELAND with Mr. MONTAGUE.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TILSON). A quorum is present. The Doorkeeper will unlock the doors. Under the rule the House proceeds to the consideration of House joint resolution 362, which the Clerk will report.

The Clerk read as follows:

House resolution 362.

Resolved, That the Secretary of War be, and is hereby, requested to immediately deliver to the Secretary of Agriculture, for distribution among the highway departments of the several States, for use on roads constructed in whole or in part by Federal aid, the 22,195 motor vehicles for which requisition has heretofore been made by the Secretary of Agriculture, and that all other Army motor vehicles now or hereafter declared surplus be immediately offered for sale at public auction to the American people.

Mr. REAVIS. Mr. Speaker, the previous question was adopted on this resolution before it was called to my attention that I was placed in charge of the time on this side of the aisle. The gentleman from Illinois [Mr. GRAHAM] is chairman of the committee. As a matter of right, he is entitled to control the time, and I therefore ask unanimous consent that the gentleman from Illinois [Mr. GRAHAM] may control the hour on this side instead of myself.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the gentleman from Illinois [Mr. GRAHAM] may control the time. Is there objection?

Mr. CALDWELL. Mr. Speaker, reserving the right to object, if this resolution is passed it will be an absolute futile act on the part of this House until a bill that has been reported by the Military Affairs Committee of the House, and which has already been passed—

Mr. WALSH. Mr. Speaker, I demand the regular order.

Mr. CALDWELL. Then I object, and I make the point of order that there is no quorum present.

Mr. REAVIS. Mr. Speaker—

Mr. CALDWELL. I make the point of order.

Mr. REAVIS. I make the point of order that the gentleman's point of order is dilatory.

Mr. CALDWELL. It is not dilatory.

The SPEAKER. The Chair thinks that inasmuch as the vote has just been held, and no business has been transacted—

Mr. CALDWELL. But business has been transacted since that time.

The SPEAKER. No business has been transacted. The gentleman from Nebraska is recognized.

Mr. REAVIS. Mr. Speaker, I yield 20 minutes to the gentleman from New York [Mr. MacGREGOR].

The SPEAKER. The gentleman from New York is recognized for 20 minutes.

Mr. CALDWELL. Mr. Speaker—

The SPEAKER. The gentleman from New York is recognized.

Mr. MacGREGOR. Mr. Speaker and Members of the House, subcommittee No. 4 of the committee on investigation of expenditures in the War Department has thought it wise to bring to your attention and request the passage by you of this resolution requesting the War Department to dispose of automobiles that are now in its possession. We feel that there should be a greater degree of activity upon the part of the War Department in supplying the Department of Agriculture with the automobiles that they have requisitioned for use in road building and there should also be a greater degree of activity in turning into cash the surplus automobiles that will be on hand after the needs of the road-building department are complied with.

Mr. HUDSPETH. Will the gentleman yield?

Mr. MacGREGOR. I can not yield now. They had on hand at the time of the armistice, including those delivered after the signing of the armistice, something like \$163,000,000 in value of motor vehicles within this country. Seventy thousand machines were delivered after the signing of the armistice. The number on hand is not determined by the testimony. At one stage in the testimony it was stated that we had something like 130,000 trucks, passenger automobiles, side cars, motor cycles, and so forth, or motor equipment. The last statement was that we had 108,000. It is the intention to keep for the use of the Army approximately 52,000 motor vehicles of various kinds and also to retain 10 per cent for replacement based upon an army of 500,000 men. The balance is to be distributed, under various acts or resolutions that have been passed by this House and the Congress, to the Department of Agriculture and other departments of the Government. The Post Office Department has received a large number, the Public Health Service has received a large number, and many other departments of the Government have received numbers of motor vehicles, many of them, I personally believe, in excess of the absolute needs of the departments. The Agricultural Department has

made requisition for about 22,181 machines. Up to the last report 8,447 have been delivered, and the various States are clamoring for expedition in the delivery of these motor vehicles to their States for road-work purposes.

I do not know if there is any intention to sell to the general public any substantial number of motor vehicles except non-serviceable or nonstandard cars.

Mr. RAMSEYER. Will the gentleman yield there?

Mr. MACGREGOR. I can not.

The SPEAKER. The gentleman declines to yield.

Mr. MACGREGOR. All of us are unfortunately familiar with the matter of responsibility in any department, and this chasing responsibility around is, I imagine, considerably like the boys across the seas chasing the cooties; you think you have them and then you have not. And so this testimony in reference to the disposition of automobiles is like chasing the cooties. We have not fixed the responsibility on any particular person in the Department of War, but the Secretary of War certainly should be the boss of his department and ought to be in a position to say, "Go and do it now." A surplus was declared by Gen. March April 15, 1919, of 36,352 motor vehicles, and according to the statement of Gen. Drake, these various departments down here have been holding debates among themselves since that time to determine how it was going to be done, and they have not reached any conclusion. But we desire, so far as our committee is concerned, and I think all the Members of this House, that they should go and do it instead of holding these debates, and they should get these motor vehicles that have been apportioned to the States into the hands of the State officials, so that they can use them, if they are valuable, as Congress desires that they should be used.

Mr. CALDWELL. Will the gentleman yield?

Mr. MACGREGOR. I can not yield, unfortunately. I concur with Gen. Drake upon that proposition. Gen. Drake is the most forward one—I do not want to make any comparison, but he has been forward about the proposition that these States—

Mr. HUSTED. Will the gentleman yield to a question for information?

Mr. MACGREGOR. I can not. I have not the time.

Gen. Drake expressed the opinion that these automobiles ought to have been disposed of immediately after the declaration of the armistice, and that they should have been turned into cash for the benefit of the American people and the money put into the Treasury in order to cut down some of this great debt we are laboring under. And I thoroughly agree with him in that proposition. We must get over the idea of spending the people's money recklessly and giving things away and throwing things away. All over this country there have been thousands and thousands of automobiles standing out, unprotected, going to waste, rusting away, and the departments are doing nothing to cut down this great debt under which we are laboring. Here, as I said, were \$163,000,000 worth of automobiles which were on hand in this country at the time of the armistice, and nothing whatever has been done to any great extent to apply that great sum to the reduction of our debt. Our people are entitled to have something done along that line.

One of our colleagues has handed to me a letter from a constituent of his with reference to the conditions existing at Camp Holabird upon the occasion of his visit to that camp on October 30, 1919. He says:

But what surprised us most was to see the thousands and thousands of fine new trucks of the very best make standing all over the fields or boxed for shipment lying idle, and nothing apparently being done to make them available for use to anyone. It is nothing less than a crime to have millions of dollars' worth of good material like this simply rusting away.

There is another proposition involved in this. In the Motor Transport Corps there are 25,000 civilian employees taking care of these thousands of automobiles, and if any of you gentlemen want to get a real idea, just go down here to Camp Holabird and look over those fields of automobiles standing there out in the weather and going to waste. Twenty-five thousand civilian employees, at 45 cents an hour, according to my way of figuring, costs pretty nearly \$100,000 a day. It will be perfectly possible with the carrying out of the idea of disposing of these automobiles to the various departments and disposing of the balance to the public that we could do away with a part of this immense army of civilian employees. All that we desire is to convey to the War Department, to the Secretary of War, the feeling and desire upon the part of the Members of this House that there should be some expedition in the carrying out of the desires of Congress with reference to the distribution of these automobiles to the various departments, and that what are left should be sold

to the general public, to the end that that money may be turned into the Treasury for the benefit of the people of the country.

Mr. BROWNE. Will the gentleman yield for a question?

Mr. MACGREGOR. Yes; I will yield now.

Mr. BROWNE. What objection has the gentleman to the bill that has already passed the Senate (S. 3037) and has already passed the Committee on Military Affairs of the House, which provides for giving this service to these departments mentioned, and also provides for all other road materials not included in this resolution, such as—

Mr. MACGREGOR. Road machinery, and so forth.

Mr. BROWNE. Steam shovels, dump wagons, hoisting machines, and other road-building materials? What objection does the gentleman make to that?

Mr. MACGREGOR. We make no objection to it.

Mr. BROWNE. Then, what is the reason for substituting this resolution and pushing it in ahead of this bill, which has already passed the Senate and passed the Committee on Military Affairs of the House?

Mr. MACGREGOR. Does that provide for giving more motor vehicles to the various departments?

Mr. BROWNE. All the surplus that the Agricultural Department can use.

Mr. MACGREGOR. I do not believe in that, because they would have all their employees riding in automobiles.

Mr. CALDWELL. Will the gentleman yield?

Mr. MACGREGOR. Certainly.

Mr. CALDWELL. Will the gentleman consent to the substitution for this resolution, that does not carry any teeth, a resolution such as he has been referring to, in order that the House may vote on it?

Mr. MACGREGOR. We are concerned with the proposition of the distribution of motor vehicles. It is not for me to consent to anything.

Mr. CALDWELL. I understand; but this is the point: The department has recommended the passage of a bill of this kind. We passed one, and then the House passed the sundry civil bill to prevent the distribution, and now you come in and ask that the Secretary of War do something in violation of law. Why not pass that one?

Mr. MACGREGOR. What is the question?

Mr. CALDWELL. Why not pass the Senate bill instead of this one?

Mr. RAMSEYER. The gentleman said that there were eighty-one thousand and some motor vehicles. How many passenger automobiles?

Mr. MACGREGOR. There are 81,000 automobiles and automobile trucks, 17,106 motor cycles, and 10,096 bicycles.

Mr. RAMSEYER. Of the 22,000 plus that you request the Secretary of War to turn over to the Agricultural Department, what kind of vehicles are those?

Mr. MACGREGOR. Do you mean that they asked to have turned over?

Mr. RAMSEYER. No; that you ask here in the resolution, some 22,000.

Mr. MACGREGOR. They were allocated to the Agricultural Department.

Mr. RAMSEYER. What were they? Passenger automobiles?

Mr. MACGREGOR. No; they were trucks mostly; some of them were passenger.

Mr. RAMSEYER. Why do they need passenger automobiles?

Mr. MACGREGOR. They claim that each State wants passenger machines for the use of its inspectors and engineers.

Mr. RAMSEYER. For State inspectors or Federal inspectors?

Mr. MACGREGOR. State inspectors.

Mr. HUSTED. I understood the gentleman to say that the Secretary of Agriculture had made requisition for some 22,000 of these machines.

Mr. MACGREGOR. Yes.

Mr. HUSTED. And of that number about 8,000 had already been delivered.

Mr. MACGREGOR. Yes.

Mr. HUSTED. That would leave about 14,000 undelivered.

Mr. MACGREGOR. Yes.

Mr. HUSTED. In view of that fact, why does the resolution ask for the immediate delivery of 22,000? Would not that be 8,000 more than the Secretary has asked for?

Mr. MADDEN. The States have not got the automobiles.

Mr. MACGREGOR. No. It reads, "For which requisition has heretofore been made by the Secretary of Agriculture."

Mr. LINTHICUM. I want to ask the gentleman what he would think of the suggestion that these caterpillar motors be first offered to the farmers of the various States rather than

these dealers, who would use them merely for profit and to sell again? It would assist agricultural production and help the farmer, and I believe the Government would get more money from the transaction. What does the gentleman think of it?

Mr. MACGREGOR. I am in favor of getting the most money for the benefit of the taxpayers.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. MACGREGOR. Yes.

Mr. HUDSPETH. The gentleman was on the subcommittee that brought in this resolution?

Mr. MACGREGOR. Yes, sir.

Mr. HUDSPETH. Why did you bring in a resolution affecting one body only, having no binding effect? Why did you not bring in a concurrent resolution?

Mr. MACGREGOR. To get action, the same as we did with respect to the Army food proposition, and we got action from the Secretary of War.

Mr. HUDSPETH. But the gentleman recognizes that this is only a request to do it?

Mr. MACGREGOR. Yes; certainly. Sometimes they do things on request, if the request comes strong enough.

Mr. LINTHICUM. He has the power to do it?

Mr. MACGREGOR. Oh, yes; the absolute power.

Mr. BLACK. Mr. Speaker, will the gentleman yield for a question?

Mr. MACGREGOR. Yes.

Mr. BLACK. Does not the gentleman know that the Secretary of War was just as rapidly turning over these motor vehicles as surplus was declared when, on July 1, the conference report on the sundry civil bill was passed here in the House, containing a provision that no motor vehicles hereafter should be turned over until specific authorization was given and after the passage of that law?

Mr. MACGREGOR. Not specifically authorized, but that it should be paid for.

Mr. BLACK. If the gentleman will wait, I will read to him the law. I quoted it absolutely.

Mr. MACGREGOR. Besides that, that did not apply to the Department of Agriculture.

Mr. BLACK. The Judge Advocate General held that it did apply, and that unless the vehicles had been specifically authorized they should not be turned over; and it was upon the advice and opinion of the Judge Advocate General that the Secretary of War ceased the distribution. I think the gentleman would want to be fair enough to state that.

Mr. MACGREGOR. I understand there was no impediment in the way of going ahead and getting these into the hands of the Department of Agriculture. Anyway, there is August, September, and October.

Mr. VAILE. Mr. Speaker, will the gentleman yield?

Mr. MACGREGOR. Certainly.

Mr. VAILE. I understand from the gentleman's remarks that the Chief of Staff had declared a surplus of some 36,000 machines.

Mr. MACGREGOR. Yes.

Mr. VAILE. And 22,200 of those are allotted to the Agriculture Department.

Mr. MACGREGOR. Twenty-two thousand one hundred and eighty-five.

Mr. VAILE. Now, the determination of what was surplus might vary from time to time, and would be subject to delay, would it not?

Mr. MACGREGOR. Yes.

Mr. VAILE. The gentleman from Wisconsin [Mr. BROWN] called attention to House bill 9412, which provides for the disposition of such machines as are or may hereafter be found to be surplus, to be distributed to the various departments.

Mr. MACGREGOR. Yes.

Mr. VAILE. Now, under the resolution we are considering, House resolution 362, if they are all sold at public sale or auction there would be nothing for House bill 9412 to operate on, so that you would nullify that.

Mr. MACGREGOR. No; we would not nullify that; we would simply disagree with it.

Mr. REED of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. MACGREGOR. Yes.

Mr. REED of West Virginia. If I understand the situation correctly, it is something like this: The Secretary of War has partially complied with the proposed distribution of motor vehicles to the States, but now for some reason the distribution has been discontinued.

Mr. MACGREGOR. There has been some hesitation on account of the interpretation of the law.

Mr. REED of West Virginia. Well, this resolution would not—

Mr. MACGREGOR. The law has been determined long ago—months ago.

Mr. REED of West Virginia. And still the Secretary of War does not function.

Mr. MACGREGOR. He does not function.

Mr. BEE. Mr. Speaker, will the gentleman yield for a question?

Mr. MACGREGOR. Certainly.

Mr. BEE. Why does this resolution provide that 22,200 trucks and motor vehicles shall go to the States and declare all over 22,200 to be surplus, to be sold at public sale to the public?

Mr. MACGREGOR. Because all that the Department of Agriculture has asked for is this number.

Mr. BEE. That would fill the bill, would it?

Mr. MACGREGOR. Yes.

Mr. HARRISON. Mr. Speaker, will the gentleman yield for a question?

Mr. MACGREGOR. Certainly.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. DONOVAN. Mr. Speaker, does the gentleman from Nebraska [Mr. REAVIS] wish to use any further time? If not, I yield 35 minutes to the gentleman from Louisiana [Mr. ASWELL].

The SPEAKER. The gentleman from Louisiana is recognized for 35 minutes.

Mr. ASWELL. Mr. Speaker, I wish to occupy as little time as possible. I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks. Is there objection?

Mr. BLAND of Indiana. Reserving the right to object, on what subject?

Mr. ASWELL. War expenditures and investigations of this Congress.

Mr. BLAND of Indiana. Is that with reference to what the gentleman is going to speak on to-day?

Mr. ASWELL. Partly.

Mr. BLAND of Indiana. I do not object to the gentleman revising his remarks, but I object to his extending them unless some time is allowed to this side to answer them.

Mr. ASWELL. I shall not object to anyone answering.

Mr. KNUTSON. I want to ask the gentleman if his remarks are going to include anything in the line of the speech that he proposed to deliver the other day?

Mr. ASWELL. I am not discussing the election to-day, but some other things.

Mr. KNUTSON. Well, I think the gentleman had better proceed until we find out along what line he is proceeding. I object for the time being.

RETURN OF BODIES OF AMERICAN SOLDIERS.

The SPEAKER. The Chair announces the appointment of the following Members on the part of the House of the joint committee to represent the Congress at the ceremonies at the port of New York in connection with the return of the bodies of dead American soldiers on the steamship *Lake Daraga* under House concurrent resolution 36: Mr. NICHOLS of Michigan, Mr. MASON, Mr. HULINGS, Mr. DOREMUS, Mr. CRISP, and Mr. SMITH of New York.

SURPLUS ARMY MOTOR VEHICLES.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] will proceed.

Mr. ASWELL. Mr. Speaker and gentlemen of the House, it is not my custom to follow a manuscript, but under the circumstances I desire now to speak with exactness and within a time limit.

Mr. Speaker, that the Democratic majority when in control was unafraid, worked incessantly, did things effectively, and reached definite ends, in striking contrast with the present Congress, no one denies. That some individual crookedness, mistakes, and errors did not occur in a task so urgent in time, so overwhelming in magnitude, so intricate in detail, as successfully prosecuting the war no one claims. That the Republican Party supported every measure centralizing executive authority in expending vast sums of money during the war all of us know. To note later developments should be interesting to the country, for the full meaning of the conduct of this Republican-controlled Congress has not yet been exposed to the American people.

The Republican leaders late in the last Congress began their political campaign by doing everything their limited vision would permit to nag and embarrass the President to prevent his going to Paris. They ended that session with the unpardonable filibuster, the details of which the country now knows and resents, to force the President to call a special session of the Con-

gress. No Republican official protested at that time, and the Republican Party stands wholly responsible and rightly condemned before the country for that expensive and disgraceful filibuster. The President, of course, did what he always does—to the delight of the country and the humiliating chagrin of the Republicans. He ignored their garrulous chatter and petty partisan tactics, went on to Paris as duty called him, and gave the United States the foremost permanent place among the nations of the world. His bitterest enemies now secretly applaud his courageous conduct and fervently wish their party could find some way of escape from the wrath of the people which they know is certain to come.

Republican leaders, still eager to harass the President, then during two months howled incessantly for a special session of the Congress. They got it. They have had it for five months. They have done nothing, and they now cry to quit. Is it any wonder that the President foresaw this situation and appealed to the country for a Democratic Congress to support him in prosecuting the war and to hold the confidence of the country by enacting straightforward, efficient legislation during the reconstruction period through which we are now passing?

The first months of the Sixty-sixth Congress were largely taken up by repassing and increasing supply bills passed by this House in the last Congress, but, as is well known, for the purpose of embarrassing the President killed in another body by the now notorious Republican filibuster. Still eager to annoy the President, the Republican majority went into his private affairs on the question of gifts and found nothing to be criticized, for which the Republican Party, through the press, was properly rebuked by the American people. [Applause.]

The country is now in ominous turmoil, lawlessness seeks excuses, business is paralyzed and afraid, and internal agitators would like to threaten organized government. Yet the Republican majority, in full control of this Congress, sits supinely by without purposeful leadership. Until the last day of October, when forced by the crystallization of public sentiment, led by Democrats, they have refused to stand up and be counted on grave questions vital to the whole people. Attacking the administration and criticizing the Government have become the habit, which gives hope, comfort, and courage to anarchy and Bolshevism.

The attitude of Republican leaders on legislation in this House to-day would be amusing were it not tragic. This Congress has been in session for more than five months and nothing has been done to stay the hand of criminal greed, to quiet disorder, or to maintain and strengthen confidence in the Government. The Republican leaders have cold feet on their own proposed legislative program. Their extravagant promises have not been kept. Their loudly announced legislative program is practically untouched at this late day.

Exclusive of expenses for maintenance, heating, lighting, caring for the Capitol Grounds, and Printing Office expenses, the total appropriations carried in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1919, for the House, Senate, and Capitol police, were \$7,175,657.75. This is not an opinion. It is the official record. Calculate it for yourself, and you find the expense to the people of Republican inaction is a minimum of \$20,000 a day, or more than \$3,000,000 already expended in the current expenses of this special session, to say nothing of vast additional expenditures through the protracted operations of the various investigating committees in this House and in another body of the Congress.

The Republican leaders in this House, although wholly responsible for the legislative program, hesitate, side-step, duck, dodge, and quibble among themselves. They know, as the country knows, that the Republicans of the West and the Republicans of the East can never agree on any permanent, serviceable, constructive legislative program. [Applause.] There is no hope as long as the Republican Party, with its discordant elements, is in control of the Government. [Applause.]

Afraid to move forward, they fiddle away the time by investigating everything that might give promise of campaign material for 1920, which is intended to divert public attention from their own shortcomings to the departments, nag the administration, and hinder efficiency. Let the Congress find out now how much time and money are being squandered upon these ponderous and noisy investigations to find campaign thunder for 1920, when up to this hour they have not revealed a single important fact not already known. The case of the Standard Steel Co. was revealed by the War Department itself.

The country wants legislation on the railroads, the merchant marine, the control and development of our national resources, our military and naval policies, the regulation of immigration, the stamping out of anarchy and Bolshevism, the high cost of living, the extension of motor-truck mail service, highway

construction, and soldier-relief measures. [Applause.] The Democrats in Congress are eager for action. Yet the Republican majority refuses to act or permit action, fritters away the time with irrelevant political matters, to the discouragement and disgust of the country. Much noise was made by the Republicans as to the Lane land bill, now the Mondell bill, and yet that bill, over the protest of Democrats, serenely sleeps on the calendar, though prepared with great ostentation in the committee room, where Republican leaders had their pictures taken in dramatic action saving the soldiers. It is well known that the Republican leaders can secure action on a soldier's relief measure of some character any day they have the courage to tackle it. [Applause.] Nothing has been done for the returned soldiers except what has been worked out and accomplished by the departments of the Government in a Democratic administration, for which the Republicans can in no way claim credit. The Republicans, in absolute control, on the question of aiding the soldiers have shamefully reneged. Why do they remain inactive? Why are they afraid? The country has a right to know who is directly responsible for the disgraceful failure of this Congress to act on these measures. [Applause.] My eight resolutions calling for definite information from investigating committees, submitted October 20, if Republican leaders permit their passage, will reveal, in small part only, the amount of time wasted and money squandered by this House, to say nothing of similar waste in another body, on these political investigations declared to be purely political early in the session by the Republican chairman of the Committee on Rules. Answering questions, preparing data, and furnishing witnesses cost the departments vastly more in time and money than the investigating committees will report as expended.

Demobilization is being expensively delayed as Army officers are being held in the service to answer questions for the investigating committees. These august bodies have called upon the War Department to delay disposal of vast Government properties, especially in the States of Washington and West Virginia, involving several million dollars in each case, by ordering the War Department to hold up all bids for such disposal until investigating committees can investigate. Notice has been served upon the War Department not to do anything further until the committees can investigate. Three billion dollars of public business is tied up indefinitely. The country demands the disposal of motor trucks, automobiles, and other Army materials needed for road construction in civil life, yet the investigating committees are taking up the entire time of 40 per cent of the forces of the War Department in answering questions and preparing data for the investigating committees, leaving the department no time to meet the demands of the country or to transact the public business. Cantonment funds are tied up. Hundreds of worthy citizens who were ejected from their homes and their property used are still unpaid—all caused by delay in investigating cantonment expenditures, which makes it impossible for the claims already approved to be paid. Contracts with private citizens for building and construction are tied up by investigating committees and still unsettled. This is a crime against loyal citizens who are being robbed of their daily bread and who gladly gave their all to the use of the Government in the hour of need. [Applause.] How long must inefficiency be enthroned in this Congress?

Garrulous chatter, passion, partisanship, and prejudice on the treaty of peace and the league of nations continue a year after the signing of the armistice, at an expense of millions of dollars to the American people, by delaying the demobilization of the armed forces of the country. This same chatter and delay are contributing immeasurably to the encouragement of lawlessness and serious industrial unrest.

Except to pass one belated resolution, what has the Republican majority in control of Congress done to force respect for the law, to show its courage in this critical situation in support of the President and in opposition to class domination in subverting the Government in favor of the few, to stabilize business, to bring peace and contentment, or to merit the confidence of the people? [Applause.]

The Republican Party now knows with the successful inauguration of the income-tax law by the Democratic Party, which justly and properly taxes the great wealth of the country, that the antiquated and fossilized tariff system of their party is a dead issue. They do not dare come out in the open and try to revise the general Underwood tariff law upward, as they would like to do and as they promised they would do, but during these five months of Republican control, expensive to the country to the tune of \$20,000 a day, not including the cost of numerous jaunting parties, and without submitting the measures openly to public scrutiny, as all legislative subjects should be submitted, especially tariff measures that vitally effect 110,000,000

people, they have from time to time quietly slipped in small bits of tariff legislation to give special privilege to a few favored big interests, which will enable the Republican Party to raise from these favored ones a large campaign fund in 1920. [Applause.] Let the country now know that even these piecemeal tariff measures already passed by this House, over the solid vote of the Democrats, when enacted into law will cost the consumers of the country \$60,000,000 annually, with an additional forty millions already proposed and now intended to be slipped in by a Republican majority on potash alone, which means fertilizers for the farmers are to be taxed under Republican rule \$40,000,000 annually. Will the country tolerate such special privilege? If the Republican Party assesses these special interests 5 per cent of this graft, which these interests will, of course, gladly pay, the Republican Party will have in 1920 from this source alone a campaign fund of \$5,000,000. Can the next national election be thus purchased?

In honor we entered the war; with honor we ended it, and honorably should we deal with those who faithfully bore the responsibility of prosecuting it. No Democrat or department of the Government opposes the most searching investigation in quest of facts for the good of the Government, but we demand that the country's present and future business also receive the serious attention of the Congress. [Applause.] If there be crookedness or dishonesty in any expenditure of public funds in any department of the Government, apprehend and punish the guilty without mercy, whether he be big or little, Democrat or Republican, but do not fiddle along for a year for campaign purposes, as you clearly plan to do. [Applause.] Do not tie up the activities of the departments indefinitely at an expense to the country of millions of dollars. Do the job well and on time, so this Congress may get to business, the departments may proceed to function, and the country have a rest. [Applause.] But it is not your purpose to do the job either well or on time. You are not searching for information that is reliable, accurate, or dependable. What could a jaunting party of two or three joy riding in Europe for one month ascertain as to the exact expenditures of hundreds of millions of dollars in France? What can a handful of accountants in Washington ascertain as to the expenditures of billions of dollars?

It is estimated by the War Department that 115,257 people were actively engaged during a period of 18 months in making these expenditures scattered throughout the world. Any competent accountant will certify that to make an accurate investigation of these expenditures would take a force of several hundred accountants working over a period of from 5 to 10 years. How many men have you now at work? Have you more than a few dozen in addition to your jaunting parties? Your claim of searching for the exact truth is ridiculous. Your committees have blazed a shameful political trail from the Capital of the Nation across the country to the Pacific coast. [Applause.] You are trying to keep the country in turmoil to cover up your inaction and inefficiency. You do not want a complete and accurate investigation. You prefer a few snipers to pluck here and there for material for campaign purposes. Your noisy investigations are misleading no one to believe that the results will be of value to the country.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. ASWELL. No; I can not yield.

Republican leaders devote their energies to making much ado about the enormous cost of the war, for which they voted on every roll call. They call it extravagance by the Democratic administration. But, Mr. Speaker, war itself is nothing but extravagance. War means waste of money; it means destruction of life and property. The greatest waste of war is that of blood and men. The facts are, regardless of the cost in money, the American people demanded that the Democratic administration organize the manhood of the country and win the war. It was not a question of penny-wise economy. The people rightly demanded that the war be won. The task was assigned to the Democratic administration. The job was done well, on time, and to the entire satisfaction of the American people and the allied peoples of the world. [Applause.] The only question was to win the war and win it on time. What Republican now dares intimate that the task was not accomplished to the satisfaction and delight of the American people? Now is the time to retrench, to economize, and to prevent extravagance; but it was not the time during the war for niggardly economy of money when it meant the sacrifice of men. Time then was not only money but it was life. Delay meant death to thousands of American men; it meant to prolong the struggle.

Reduce the cost of the war by subtracting every penny claimed useless or extravagant, and the total sum will not be

the value of one American soldier saved from death. [Applause.] How many American lives would Republican critics have sacrificed in order for the Government not to have been liberal in the expenditures of money? Let them answer to the mothers of the country! [Applause.]

The attitude of the people during the war on this question of money as contrasted with saving the lives of our soldiers was clearly revealed by the lavish hand with which the American people contributed to every cause for the support and comfort of the American soldier. Had it seemed necessary any real American would have contributed his last dollar to relieve the needs of one American soldier in France.

Instead of wasting so much time and money now in talking endlessly of the cost of the war, it were better to stop foolish expenditures, retrench in appropriations, and save money by purposeful energy and efficiency in this Congress. [Applause.]

Mr. BLAND of Indiana. Will the gentleman yield there?

Mr. ASWELL. I can not yield.

The marvelous achievements of the American people in boldly defying the murderous German mines and submarines to send troops in overwhelming numbers and supplies in abundance to France in defense of our country and the liberty of man amazed the world and staggered the enemy. The rapidity and magnitude of the construction of American docks, railroads, supply stations, means of equipment, lines of communication and transportation in France was a subject of admiration and wonder to the Allies and discouragement to the enemy. If there be doubt on this point I call Gen. Ludendorff of the German Army as a witness, whose recent articles are convincing.

Let Republican critics condemn and investigate as they will but this record of brilliant American Democratic achievement in winning the war was never equaled and can never be surpassed in the history of the world. [Applause.]

With the American people the war is ended, and we face the future. The people are disgusted with endless chatter in criticism of expenditures in a war so nobly and effectively won. The American soldiers themselves are utterly tired of Republican wrangling over the money expended in that struggle. None of it can be salvaged or reclaimed now by wasting millions in political vituperation in the vain hope of party advantage in 1920. [Applause.] The people have turned their faces to the front with manly courage and are ready for mighty strides in progress and efficiency, if the proper readjustment and reconstruction of industrial and commercial enterprises can be speedily accomplished. The duty, the opportunity, of this Congress is to quiet conflicting interests and lead in the reestablishment of confidence and faith among men. Why can not the Republican majority keep pace with the demands of the hour? The country demands whole-hearted, concrete action by this Congress—sane, purposeful, constructive legislation. Dark is the future of that party unable to grasp or recognize the American spirit in this moment of opportunity, which failure reveals that party's incapacity for constructive leadership.

The Republican Party in this Congress has been "weighed in the balance and found wanting." Its leaders should stop playing petty politics, cease dillydallying, get down to business, do something worth while for the whole people, or surrender control and quit! [Applause.]

Mr. DONOVAN. Mr. Speaker, I feel certain that some gentleman on the other side will desire to answer the speech of the gentleman from Louisiana [Mr. ASWELL], and therefore I yield for that purpose.

Mr. REAVIS. Mr. Speaker, there will be but one more speech on this side, and I will ask the gentleman to use his time.

Mr. DONOVAN. That is our plan here.

Mr. REAVIS. I think under the rule the proponents of the resolution have the privilege of closing the debate.

Mr. DONOVAN. Mr. Speaker, I will proceed, if it is the desire of the gentleman from Nebraska.

First, let me ask that I be not interrupted, for the reason that in my treatment of this subject I shall endeavor to talk on the facts as I understand them, ignoring absolutely the question whether it is a Democratic or a Republican administration that has control of it. It is my conception that the House and the country want to know the facts unadorned, uncolored, and I think I can in an impartial way submit them, and by them answer and rebut suspicions and statements that have been carelessly and recklessly made, which I have heard repeated even by several substantial Members of this House.

Gentlemen, you know that it is the easiest thing in the world to start a damaging rumor, whether it is as to a man's character, his business ability, or whatever it may be. There is always some one ready to take it up and magnify it and then pass it on.

I am at a disadvantage in not being apprised what the proponent of this resolution contends, for he has assumed the rather unusual practice of refusing to present either his facts or criticisms, and my presentations must perforce therefore be in an assumption of what I believe will be said by him.

So probably you will be told that the administration of the War Department has been grossly negligent in the functions of its office, particularly relative to the automobile situation, as to the declaration and disposal of the surplus. You will be told, with more power and eloquence than I can command, that a frightful condition exists. Sometimes I wonder if we do not let personal vanity get the better of our judgment when given the opportunity to come on the floor and draw the attention of the country to either our histrionic powers or our oratorical ability, and if through that same element of vanity we do not frequently confuse the issue in a maze of meaningless, partisan, or unjust criticism of the absolute true fact. No doubt you will be told in fine rhetoric of the terrible condition that exists relating to the motor vehicles now under the control of the Secretary of War. You will be told that over here at Camp Holabird, a suburb of Baltimore, there are 11,000 autos, and you will probably be given the impression that all of them are passenger cars, which is not the fact, and that there are among them a number of new cars that have never been used, that a part of them are crated, but that they are crated in such a way that they are not protected. You will also be told that there are trucks standing over there in the open without bodies upon them; that the transmissions are being affected by the weather. You will be told, further, that by the neglect in declaring a surplus nothing has been done, or you will be told that a surplus was declared by one department and then that the director of sales absolutely fell down and has not done his duty. You will be told that Gen. Drake, who was in charge of the Motor Transport Corps, did his part, and that it was a question of whipsawing between the several bureaus.

Now, what are the facts? I am not going into a minute detail of figures and amounts. I am not a mathematician; neither am I an expert accountant. I know you want the truth. I think I know facts when I see them and they impress me.

Knowing them and having given them a careful consideration and examination, I can with confidence assure you that we as a Government need no alibi or speak aught but the truth, which, in my opinion, proves conclusively, with the exception of delay in declaring a correct surplus by the Chief of the Motor Transport Corps, which has also a justifiable side, that any vehement criticism by the gentlemen who are to follow me or from any other source is most unfair.

Now, what was the situation? Let me try to help you visualize the facts, if I can, by giving you the details of this subject. You may well ask who has charge of the motor vehicles in the War Department. It is the Assistant Secretary of War, Benedict Crowell. When the war started we had in this country about 5,000 motor vehicles in the Army. Motorizing the Army was a new problem upon which we were launching. We, of course, had no equipment and had no adequate facilities for storage, for what we then had were motor cycles, bicycles, and trucks, and the small total of these were distributed throughout the entire country. There were very few passenger cars.

When the armistice was declared, or immediately thereafter, the Acting Secretary of War, Mr. Crowell, called in conference a representative of the Motor Transport Corps, a representative of the Purchase and Supply Department in the Quartermaster Corps, and a representative of the General Staff and gave instructions that "a surplus must be declared." It was decided at this conference to determine what would be a correct surplus, that the first necessary step to be determined was to know how many men were to be included under the proposed peace plan of the Army.

At that time it was the purpose, the hope, and desire of the War Department that there should be an Army of 500,000 men. The conferees assuming that number to be the basis upon which to begin, the Assistant Secretary of War, Mr. Crowell, then ordered that a surplus of 30,000 vehicles be declared. Do not be deceived that this meant 30,000 passenger cars, as has been erroneously stated in the public press of the country. This surplus included bicycles, motor cycles, trailers, trucks, passenger cars, observation cars, and cars upon which were mounted small ordnance.

Then the question was discussed what types of cars should be declared surplus. It was decided that certain cars and trucks which had proven the most serviceable and practicable for Army use were to be retained, which resulted in what they, the conferees, called standardizing the motor vehicles then within the control of the War Department. They classified the Cadillac as the largest passenger car, the Dodge as the smaller

passenger car, and the White as the observation staff car. They classified the Packard truck, the Garford truck, the T. T. truck, the ammunition train truck, and kitchen truck, and also certain trailers, and ordered a survey made by the Motor Transport Corps of these trucks and cars, which they designated as standard, and other cars and trucks designated as nonstandard be thereupon surveyed and declared surplus, and that the nonstandard surplus be held ready for transfer to the several governmental departments that under the law were entitled to them.

Immediately Gen. Goethals, then Assistant Chief of Staff, Director of Purchase, Storage and Traffic, on February 27, 1919, issued Supply Circular No. 16 to the office of the director of sales, which read:

Supply circular No. 16.

WASHINGTON, February 27, 1919.

Subject: Office of the Director of Sales.

Confirming verbal instructions of December 17, 1918, there is established in the Purchase, Storage and Traffic Division a sales branch under an officer designated as the director of sales, whose duties will be as follows:

(a) To formulate, supervise, coordinate, and direct the selling of surplus supplies, material, equipment, by-products thereof, buildings, plants, factories, or lands embraced within the act of Congress approved July 9, 1918.

(b) To supervise and direct the sale, in accordance with existing regulations and statutes, of all other supplies, material, and property not embraced within the act of Congress approved July 9, 1918, but the sale of which may be desired in the public interest, as may be directed from time to time by the Director of Purchase, Storage and Traffic.

(c) To direct and supervise the compilation of records covering all sales of any war supplies, material, lands, factories, or buildings and equipment, so that a detailed report may be made to Congress on the first day of each regular session, in accordance with the provisions of the act of Congress approved July 9, 1918.

By authority of the Secretary of War:

GEO. W. GOETHALS,
Major General, Assistant Chief of Staff,
Director of Purchase, Storage and Traffic.

In accordance with this letter the Director of Sales relayed it to the Chief of the Motor Transport Corps, and advised that a surplus be immediately declared of all serviceable trucks and cars of the nonstandard type. The Post Office Department, the Agricultural Department, the Public Health Service, had been sending to the office of the director of sales numberless requisitions for cars of the serviceable nonstandard type.

What was the result? The director of sales' office patiently awaited the receipt of the requested declaration of surplus from the Motor Transport Corps, and on March 27, 1919, received memorandum, which reads as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, March 27, 1919.

Memorandum for the Director of Sales:

In compliance with the request from Col. Fred Glover, through Maj. Guy Hutchinson, that a list be immediately submitted showing the amount of excess transportation on hand under the Secretary of War's allowance to be retained, I submit herewith a tentative list, unapproved and subject to revision, of vehicles now available for sale:

Automobiles:

Miscellaneous American makes, all used; approximately, 30 per cent unserviceable.....	968
Fords, new and serviceable, approximately.....	1,200
Total automobiles available for disposition.....	2,168

Light delivery and light repair trucks; all used but in serviceable condition.....	2,212
Motor patrol wagons.....	97
Class "AA": Staff observation and reconnaissance cars.....	1,000

The above are all new vehicles.

Class "A":	
Garfords, practically 50 per cent used.....	1,200
Light aviation, approximately 50 per cent used.....	2,000
Pierce-Arrow, all new.....	900
Miscellaneous American makes; all used.....	2,200
Type "B":	
Miscellaneous American makes, all used.....	3,166
Pierce-Arrow, new.....	910
Riker, practically 50 per cent used.....	800
Macks, practically 50 per cent used.....	1,932
Packards, practically 30 per cent used.....	2,500
Heavy aviation, practically 20 per cent used.....	2,500

F. W. D.:	
Nash, not more than 5 per cent used.....	7,750
F. W. D., practically 20 per cent used.....	4,000

Total trucks, all classes, available for disposition..... 33,067

A. OWEN SEAMAN,
Colonel, General Staff.

P. S.—The above list should not be taken into consideration under any circumstances until the Army has been reduced to a working basis of 500,000 men.

Which purported to be the surplus, ordered declared by Assistant Secretary of War Crowell, and which stated it was "a tentative list, unapproved and subject to revision, of vehicles now available for sale," and under a postscript stated "the above list should not be taken into consideration under any cir-

cumstances until the Army has been reduced to a working basis of 500,000 men."

On April 15, 1919, Gen. March, Chief of Staff, declared a surplus predicated on the information given him by the Motor Transport Corps under date of March 27, 1919, which was most incomplete as to the condition, the location, and data of any consequence to assist the director of sales in giving a complete description to possible purchasers either by the Government or by the public. The number requisitioned by the Agriculture Department alone was 22,000. In the meantime the director of sales' office was phoning and writing the Motor Transport Corps for an accurate surplus of the available nonstandard serviceable cars and trucks for disposal.

The director of sales, being unable to obtain from it an accurate list, in sheer desperation, knowing that the Agriculture Department particularly and the Post Office Department needed the cars which they requisitioned, ordered the entire number declared surplus to be transferred and gave the order as regulations directed to the Motor Transport Corps for the physical delivery of these cars and trucks. When about 8,000 vehicles were transferred to the Agriculture Department, there were transferred in all about 19,000 vehicles of the 36,000 declared. Then there was a cessation of further transfers, because there came a conflict as to the interpretation or meaning of the legislation passed by the Congress as to whether these cars could be transferred without transfer of funds. The War Department, through the Judge Advocate General, gave an interpretation that the nonserviceable vehicles transferred to the Agriculture and Post Office Departments could not be allotted and transferred without a transfer of funds, while it had been the custom of the War Department up to that time to transfer them without a transfer of funds.

The Agricultural Department did not concur in that opinion or interpretation of the Judge Advocate General of the War Department and relied upon the opinion of its own solicitor, which was contrary to that of the Judge Advocate General. There were a number of cars and trucks in transit which had been shipped. They were on the trains or they were being propelled under their own power, and were then a distance from the several storage camps from which they had started. Under these circumstances the Secretary of War, instead of ordering them to return or be taken off the cars and paying the additional freight for their return, displayed the best of business judgment and common sense and sent them through to their destination to the several State departments of agriculture. When that opinion was rendered by the Judge Advocate General the hands of the War Department were tied, and it stopped all succeeding cleared orders for transfer and delivered no more of the vehicles, because there was the interpretation of the two lawyers diametrically opposed. The result of this complication of legal construction was that the Agricultural Department requested an opinion of the Attorney General, and that request was made on August 13 last.

The opinion of the Attorney General was rendered in September following. It disagreed and reversed the interpretation of the law as promulgated and enunciated by the Judge Advocate General of the War Department, and thereupon the War Department started right in again to distribute vehicles in accordance with orders and allotments made by the director of sales' office.

But I want to be fair and I want to be honest. I forgot or overlooked this point. Here was the system by which the allocation of these cars was made: There was a trinity of function. First, Assistant Secretary of War Crowell, who was chief executive in this particular line of activity. Then there was the director of sales in Purchase, Storage and Traffic, and there was also the Motor Transport Corps.

Now, gentlemen, the sales department was created by Gen. Goethals, and I need not tell you that he has the confidence of the American people, irrespective of political faith. What was the purpose for its organization? The purpose was that, as you all know, in years past, during war and also during peace times, it was the practice of some weak Army officers, who could not withstand temptation, to yield to the graft system, and many an Army scandal resulted, and frequently dishonest Army officers were convicted and served time in the penitentiaries. The system to defraud was as follows: Some Army officer would make a survey and declare certain vehicles or equipment as unusable and drop them from the Army property list and order a sale; then he would have an outside man through whom he could work, and the Army officer would share in the illegal profit. That is common knowledge and is nothing new. Gen. Goethals—not only wonderful in his military career and character but a man of wonderful commercial and business instincts—conceived the idea of creating the department of

sales and placing at its head a trained business man from civil life, whose private as well as business character was unimpeachable. He selected as its first director Mr. Hare.

I do not know him, but his reputation is of the highest type. The present acting director of sales, Col. Guy Hutchinson, is a man of equal high character, probity, and ability, and one of the finest type of men in this country. Col. Hutchinson, now in control, volunteered for service in the World War and was recruited for overseas duty, later commissioned a major, and then promoted to a lieutenant colonel. When Mr. Hare resigned he was designated from the commissioned force of the Army as acting director of sales, which position he has creditably held for about four months.

The director of sales was constantly urging the Motor Transport Corps for a corrected and accurate surplus, stating where the vehicles were and what was their condition, and, not receiving it, he finally, as I have before stated, despairing of ever getting an accurate one, began to allot the total of cars and trucks as reported in the alleged declared surplus of April, 1919, and did, in fact, make an allotment of the entire list available to the Post Office and Agriculture Departments, and gave orders to the Motor Transport Corps to transfer them accordingly. This allotting of surplus vehicles was completed by June 6, 1919.

You will be told that on April 15, 1919, there was a surplus declared of 36,000 vehicles—not all cars—including bicycles, motor cycles, trailers, trucks, and automobiles, and that this department of sales had at that time the information whereby it could have allocated or transferred them. What is there in regard to that? If I were to make a criticism, I would say that I believe if there is any fault to be found, there was an element of lack of speed, lack of pep, lack of business efficiency in the Motor Transport Corps in not declaring an accurate and complete surplus. To be sure, the Chief of Staff, Gen. March, on April 15, 1919, taking what had been sent to him by the chief of the Motor Transport Corps, reiterated it in a memorandum, declaring what I believe was but an alleged surplus. What was it?

It said that 1,516 light delivery trucks, 2,071 light aviation 2-ton, 3,106 American miscellaneous 3-ton, with others, constituted a surplus; nothing in this alleged surplus of April 15, 1919, to show where they were, nothing to show what was their condition, nothing to show whether they were serviceable or not, and the sales department could not on that data submit the unserviceable nonstandard trucks or cars declared surplus to the departments for transfer, because it was to be a business transaction, and the Post Office Department as well as the Agriculture Department wanted to send their respective representatives to inspect them before receipting for them. Not knowing where they were necessarily caused delay in their inspection and delivery, and not being informed the type of vehicle, the make of it, what its condition was, whether it was standard or nonstandard, serviceable or unserviceable, the whole proceeding of distribution and disposal of surplus was impeded. So the department of sales wrote back to the Motor Transport Corps and asked for a particularization in regard to these cars. You will be told that there were about 670 communications that Gen. Drake testified he had sent to the sales director, and after a number of months they were returned to him with a letter from the director of sales.

It is true that Gen. Drake's department, the Motor Transport Corps, wrote hundreds of letters to the sales department, covering a great many months; it is not true that they were returned with the statement that they were not wanted, but with instructions and a form for the Motor Transport Corps to execute and give the much-sought-for information.

Now, of what did these letters consist? The first one that came was somewhere along in March or April, and it was a letter stating that there was one Ford car for sale in the West. Another day another came stating that there was one for sale in Chicago, or two or three. It was a crazy quilt, a patchwork, piecemeal affair, from which the sales department could make nothing for the advantage of a proper sale, and so the director of sales wrote back—and it is all in the hearings with the copies of the letters asking for specific information, and in March, when a supposed declaration was made and sent by Maj. Williams, of the Motor Transport Corps—in that communication there was a reservation that said, "Do not consider this as final, because it is subject to revision; we can not tell as to the number of the Army." They never had a properly declared surplus, and it is an actual fact that the Motor Transport Corps and its chief testified before our subcommittee that they are to-day engaged in a survey of cars, admitting that a real accurate surplus was never declared, and, therefore, that these motor vehicles could not be properly allotted, and they are now endeavoring to do so. The department of sales, after its temper had been ex-

hausted, last August assigned the entire distribution of this surplus of nonstandard vehicles to the management of the Motor Transport Corps, who are now struggling with it.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. DONOVAN. Yes.

Mr. MADDEN. In view of the fact that England and France have been able to sell all of the cars which they had which they did not need after the close of the war, I wonder why it is that we have not been able to find out even how many we have.

Mr. DONOVAN. Because the personnel of the Army has not been established.

Mr. MADDEN. That was not necessary.

Mr. DONOVAN. At that time it was necessary.

Mr. MADDEN. Somebody ought to know how many cars we had.

Mr. DONOVAN. That was one of the elements—that the personnel of the Army had not been decided. The next reason was the misfortune of not declaring a proper surplus. On June 6 every one of these cars was allotted to the several departments, and then came in the legal interpretation, which delayed it. It will be said that there are, as described in the press, acres of cars over in Holabird not under cover and deteriorating. It may be true that they are not all under cover, but it is not true that they are rapidly deteriorating, as has been alleged. I went to Camp Holabird with my colleagues. I was told that there was a number of cars over there—trucks, with their transmissions exposed—and that they could not be moved under their own power. To me that was a shocking declaration. I gladly went, and we went through there, and sure enough there was a number of trucks, a great number of them—I think at the maximum there have been 8,000 trucks there at different times since the signing of the armistice—but what did we find. We found those trucks there in perfect alignment, just as if they were men. We found the hoods in good shape. They were on the trucks all in good shape. The curtains were down and they were protected as much as they could be. In a number of instances the bodies were off the chassis. We looked at the transmission. Did we find any uncovered? No. I did not see one; and I think my colleagues will agree that they did not. I did not see one uncovered. And where the paint was chipped off the body of the car, it was gone over with the necessary compound, and this was done once a month, and a corps of 30 men was employed for this line of duty alone.

But let me get back to the statement or rumor that the transmissions on the trucks at Holabird were exposed to the weather. What happens to the transmission of a truck or auto in action. Is it coddled? Is it protected from the elements? No. What do they do with cars and trucks to-day in everyday use? They not only run them in wet weather but through slush and mud, and every time the wheel turns and revolves it deposits the mud and slush up against the transmission, which at worst, as to the trucks at Camp Holabird, which have not the bodies on them, could only be injured from above by a downpour of rain, which is rather infrequent. The chairman asked Maj. Evans, the motor expert, why the bodies were not on the trucks, and was told that all of them were crated and under cover. The line of examination led to the reason why it would not be better to have them on the trucks than in storage, and Maj. Evans very quickly pointed out that whatever complaint the chairman might have of the cars as they now were, without the bodies, the bodies, if upon chassis, would, of course, be subject to the elements, and were better off crated and in covered storage.

The chairman put the following question to Maj. Evans:

Now, Major, I ask you, is it not a fact that these cars standing there for eight months in the open, subject to the winds of winter and the rains of summer, will deteriorate?

Maj. Evans replied:

Slightly.

The CHAIRMAN. What do you mean by that?

Maj. EVANS. A day like to-day it would not deteriorate at all—

It was a sunshiny day, the 6th of September—

because it would only deteriorate when there is moisture in the air.

And he said:

It is not so material as you would suppose, because a truck or car is run from 14 to 16 hours.

You will be told about the cars in park G. I designated it the hospital junk heap and isolation ward. There are 500 nonstandard passenger cars in park G. Maj. Evans testified that they were received in the same condition that the committee observed they were in when it visited the camp on August last. They were the junk that was declared unserviceable and absolute derelicts, and sent to Holabird to the junk heap, and dropped from the property list of the Army,

from the camps and cantonments from which they came. They consist of every type of nonstandard passenger cars, and trucks which were discarded. They are unserviceable. The chairman of our subcommittee asked Maj. Evans:

What do you mean by unserviceable?

Maj. Evans replied:

Unserviceable means a car that can not go on the road under its own power.

Gentlemen, even after these unserviceable derelicts from all over the country have stood out in the open in this isolation ward for a number of months and dropped from the property lists of the Army, it is a high indorsement of the management of the War Department when I tell you that one hundred-odd of these cars were dismantled and their parts taken by the Post Office Department to replenish other cars, and that the War Department has sold 80 of these derelicts and has received a sum of about \$5,000 for them.

Mr. HUSTED. Will the gentleman yield for a brief question?

Mr. DONOVAN. For a question.

Mr. HUSTED. Could not some of those cars which were declared unserviceable have been repaired and made serviceable, and would it not have been a desirable thing to do?

Mr. DONOVAN. Maj. Evans answered that question, and I thank the gentleman for bringing it out. The policy of the War Department was to repair all serviceable vehicles of the standard type. They, of course, were to be retained by the War Department. These cars, of course, were used roughly during the war, and there was a vast number of them that needed repairing. The cars in Park G—Maj. Evans or Col. Chitty, I do not recall which one it was—or it might have been Capt. Crane—testified that they were beyond repair. Those that were disposed of, as I have already stated, to the Post Office Department and sold to an individual for the \$5,000 were taken to be dismantled and have their parts used for replacements.

Much will be made, I expect, by the gentlemen following me of the fact that there are a number of new cars at Holabird that are crated, and it will be claimed, I fear, that, to quote the pet question of the chairman of the subcommittee, "that the beating of the winds of winter and the rains of summer against them" causes their deterioration. You need give no serious concern to such a contention if it is advocated. There are, I think, some two hundred and odd Dodge cars, new ones, that are crated. They were sent to Holabird for transshipment when the armistice was declared, and they are neatly and orderly piled five high and six wide and are under an A-shaped sectional roof, whose edges extend beyond the front, back, and sides of the walls of the crates which go to make the substructure of the building. The roof is covered with heavy water-proof tar paper, mechanically laid. The crates are made of seven-eighths tongued and grooved white pine lumber, and you who know what white pine is know that it is the best rain and sun resisting lumber in the world. The cars in these white pine crates are slushed with oil and a grease compound, are wrapped in a two-ply water-proof tar paper, and the crates by their construction, being tongued and grooved and closely jointed, are light, air, and storm proof.

The Motor Transport Corps, upon taking out several of these cars from the crates, found them in the same condition that you or I would find a new car which we might buy directly from the factory, which would be shipped to us in the exact type of crate and would be hauled by the railroad on a flat car subject to greater exposure during its transit, but of course not probably of so long a duration.

These cars were found to be in the pink of condition, both mechanically and as to their painting and upholstery.

Gentlemen, I want you to remember that of the 11,000 vehicles at Camp Holabird less than one-third of them are in the open. A great majority of them are the trucks which I have described. Every bicycle, every motor cycle, and 727 ambulances, besides thousands of trucks and passenger cars, are under cover. I think the following question and answer—the answer being that of an expert—explains much as to any damage that might result to the exposed trucks or cars:

Mr. REAVIS. Do you want to be understood in this record, as a practical automobile man, as saying that motor cars standing exposed that way would not deteriorate and were not deteriorating?

Maj. EVANS. There is an element there that I do not think has come to the minds of the people who were looking into that. The vehicle that is in operation on the road is usually in operation from 14 to 16 hours a day. It is then out exposed to the elements. The vehicle in our parks is exposed only 24 hours, so that there is only a slight time that the vehicle standing in our parks is receiving any greater exposure to the weather than the vehicle that is in operation.

Gentlemen, I think I have now arrived at a point in this discussion where a vital consideration and a just criticism

might be leveled at the Motor Transport Corps or the War Department for not providing sufficient storage to house all of these many motor vehicles that were in the open subject to the weather not alone at Camp Holabird but at Camp Normoyle and Camp Jeffries, which were the three big receiving and shipping storage motor vehicle depots in America. I was about to ask Gen. Drake, the chief of the Motor Transport Corps, this question, but was relieved of that duty when the chairman of the subcommittee propounded the following in reference thereto:

Mr. REAVIS. Have you ever made an effort to store any of these cars? Brig. Gen. DRAKE. Yes, sir. We have tried to get storage. In fact, we have an appropriation, an allotment of \$375 for building storage in these different camps, Camp Holabird, Camp Normoyle, and Camp Jeffries, and we had just started work with all the materials on the ground when Congress passed an act prohibiting the further use of funds for construction camps, cantonments, etc. We contended to the War Department that our activities at these places did not come within the intent of this act, but the decision was made adversely to us, so that the construction could not be proceeded with.

Gentlemen, here is a complete answer to the question, and it is given by Gen. Drake, and I believe every fair man of this Congress will subscribe to this fact that here at least is a most substantial reason why vehicles were not placed under cover, and do not forget, gentlemen, that Maj. Evans testified that these motor vehicles, with the exception of the junk heap, were being received and shipments made ever since the armistice to date, and that, in his opinion, none of the trucks or cars that were in the open had remained at Holabird for one time longer than three months, and many of them not as long as one month. I confess that I am at a disadvantage to answer in detail criticisms that may be advanced by the gentlemen who will follow me as to the handling, management, and disposition of the surplus motor vehicles, from the fact that the chairman of the subcommittee, who I am reliably informed is the creator of the resolution under discussion, has adopted the rather unusual procedure, as the proponent of the resolution, to withhold his support of it until the close of the time-period allotment under the special rule.

To me the resolution is one of absolute senseless purport because, speaking in the kindest manner of it, it is only a suggestion or an attempt to accomplish what is already being done by the War Department, and it has the other regrettable effect of superseding or suspending the consideration of a most important bill and sidetracking it for an entire day—the banking bill, or what is known as the Edge bill. I shall, however, notwithstanding the senseless feature of the resolution, for the reasons that I have just disclosed, vote for it, because it is but a reiteration of the policy now employed by the War Department in disposing of the unserviceable nonstandard surplus vehicles, and it is also an indorsement of the excellent business management employed under the direction of Col. Hutchinson, director of sales of the Purchase, Storage and Traffic Division of the War Department.

I expect you will be further told that a vast number of cars have been purchased from the factories since the signing of the armistice and have been received at Camp Holabird. I doubt, in view of a careful reading of the testimony, whether anyone following me will have the temerity to make such a statement. The fact is that many new cars were received at Holabird; the further fact is that not a new car was purchased from the factories. The program of purchase by the Division of Purchase, Storage and Traffic of the War Department contracted for a great number of cars on a monthly production basis to extend over and to include, as you will recall, the month of June, 1919, for it was then that we thought back in the months of August and September, 1918, that the war would be ended. When the armistice was signed on November 11, 1918, these commitments for the production of motor vehicles were going ahead with great rapidity, and there was delivered each week from the factories in this country to the War Department 1,100 passenger cars. When the armistice was signed many of these cars and trucks were unassembled and were being assembled; many were in storage in the factories about to be shipped, and the result was that a large cancellation of thousands and thousands of cars and trucks was made by the War Department, but those that were finished or about to be finished were permitted to be shipped by direction of the War Department's representatives at the factories, and they were strung out over a period of two or more months after the signing of the armistice with the object of saving costs of storage or the necessity of placing these new crated cars out in the open, such as I assume complaint will be made, by the gentlemen who will follow me, of those that were so stored at Holabird. As an evidence of the small proportion of new cars that was received after the signing of the armistice, the director of sales canceled all orders on pas-

senger cars and received during the succeeding months from November to June but the equal of one week's production—1,100 cars—in all that period. What was true of the passenger cars was proportionately true of the trucks.

I desire at this time to read a letter from Col. Hutchinson, assistant director of sales, under date of October 16, 1919, to Hon. Benedict Crowell, Assistant Secretary of State, from which you will gather a very clear and intelligible understanding relative to this phase of the motor-vehicle situation:

WAR DEPARTMENT,
PURCHASE, STORAGE AND TRAFFIC DIVISION,
OFFICE OF THE DIRECTOR OF SALES,
Washington, October 16, 1919.

Memorandum for the Assistant Secretary of War.

1. Complying with your verbal request this morning concerning cancellation of motor-vehicle contracts, the following is submitted on trucks (all types, including ambulances) and passenger cars:

2. Immediately upon the signing of the armistice manufacturers were consulted in the matter of cancellation of their contracts, the War Department production representatives at the different district offices were called into conference as to the status of production on various contracts, and in every case the War Industries Board was consulted and its approval secured. The result is given herewith:

Total vehicles ordered to Nov. 10, 1918:	
Trucks	198,768
Passenger cars	37,063
Undelivered as of November 10:	
Trucks	119,625
Passenger cars	20,690
Average production per month for November, December, and January:	
Trucks	17,920
Passenger cars	4,331
Canceled since Nov. 11, 1918:	
Trucks	78,340
Passenger cars	19,872
Accepted by War Department Nov. 11, 1918, to date:	
Trucks	41,285
Passenger cars	1,018

3. In making cancellations it was assumed that the Army needed no further motor vehicles. Efforts were therefore made to cancel as many vehicles as possible, taking into consideration, of course, the status of production and the amount of material which the Government would have to pay for in settling claims resulting from such cancellations. It will be noted that approximately only one week's production in passenger cars after the signing of the armistice was accepted, and that on trucks of all types there was accepted only the average production for two and one-half months. It will be seen that manufacturers were allowed approximately a 60-day run in order to finish machine work on parts in process and to complete assembling. An average termination of 70 per cent of all contracts was effected.

4. Considering that the War Department had practically reached the "peak" of production when the armistice was signed, terminations to this extent were remarkable. If additional terminations of any consequence had been made, it would not only have worked an extreme hardship on the manufacturers and labor, but would have cost the Government practically as much to have adjusted claims, and instead of having completed vehicles the War Department would have had a lot of uncompleted material worth only scrap value.

5. The requirements for any Army of 30 divisions, shown on tentative table of vehicle requirements, as filed by the Motor Transport Corps as of August 31, 1918, and on which basis the War Department was purchasing motor equipment shows that there were required for each army approximately: 7,800 touring cars, 6,200 ambulances, 55,350 trucks, 24,000 motor cycles, 17,000 bicycles, 8,000 trailers.

6. After the cancellations were arranged for, the manufacturers were allowed to extend their final delivery dates on the vehicles still due, for the reason that the Government storage facilities were totally inadequate, and for the further reason that these extensions on deliveries would allow the manufacturer to more readily resume his commercial business, meanwhile holding the nucleus of his organization together while finishing up the Government contracts.

7. This subject is an intricate one, and it is impossible to give all the details in a brief memorandum, but the above covers the subject in a general way. As many of the vehicles under contract were not of a commercial character, it was necessary to allow production over a more extended period on these machines than on vehicles of a strictly commercial type.

By authority of the Director of Sales:

GUY HUTCHINSON,
Assistant Director of Sales.

Gentlemen, I believe that I am almost prophetic when I tell you that I am about to assume that a dramatic and perhaps a tragic effect will be reached when you are told by one of the gentlemen that is to follow me in discussing this subject that since the armistice was signed shipment of vehicles were continued to be made overseas for the use of the American Army. When it first came to my attention that such a procedure had been employed I confess that I was very much in the same mental attitude in which I assume you will be when you will be told with great power of declamation that a number of motor vehicles were shipped overseas since November 11, 1918. I was amazed and appalled to the same degree that one of my colleagues on the subcommittee stated in the framing of a question on this subject in one of the hearings was until I received the knowledge and heard the War Department's explanation. I trust, however, that the gentlemen who are to follow me in addressing themselves to the resolution will not be hypocritical or unfair, but will honestly confess and admit, as I do, my complete confidence in the necessity for the shipments and in indorsement of the policy after I listened to the testimony of Maj. Gen. Burr, of the General Staff, who is now Chief of Purchase, Stor-

age and Traffic, and who succeeded Gen. Goethals, and that these shipments were made by order of his predecessor.

Gen. Burrs testimony is as follows:

Mr. REAVIS. Now, General, information has been brought to you in the last minute which relates to shipments after the dates you have given. From that information, what would be your statement as to any shipments of motor vehicles abroad in addition to those that you have just put into the record?

Gen. BURR. Since July 1, 1919, the records of our overseas transportation service show that no motor vehicles have been shipped.

Mr. REAVIS. Now, General, are you in possession of information as to why these shipments were made abroad after the armistice was signed?

Gen. BURR. As a matter of general knowledge, yes, Mr. Chairman. It was known to all Army officers who were connected with the service that during the last months of the war preceding the armistice there were continued and insistent calls for motor transportation. And I may say that after the armistice, a month or two afterwards, when it was necessary to send the Third Army into Germany, it was practically—in order to outfit it—it was practically necessary to take the motor transportation from the other two armies in France. Gen. Pershing had been insistent in the last few months before the armistice that we get motor equipment over there. Every energy was being exerted to ship it. We practically reached the peak of production on motor equipment when the armistice was signed. We had quantities of material ready for shipment at the dock, and they were still asking for this transportation; and that fact and the shortage of equipment over there will account for the seemingly large shipments in December and January, and possibly in February. At that time, and now, the war was not over, and at that time the military officials deemed it wise to have our troops over there measurably equipped with transportation, because an army that hasn't transportation is immobilized.

Mr. REAVIS. The point that I had in mind, General, was this: Were these very large shipments, running into the tens of thousands of motor vehicles, after the armistice, based upon orders that came before the signing of the armistice or were they on orders subsequent to the armistice?

Gen. BURR. Well, first, Mr. Chairman, I want to say that I have not figured it up, but the total figures that I have given you may run into tens of thousands, but they will not run over two tens of thousands; that is, not over 20,000. So they are a comparatively small number.

Mr. REAVIS. Well, without going into it quite as technically as that—because the addition can be made from your answers as to the number of thousands—what I would like to know is whether the War Department sent these to France on orders made before the signing of the armistice or on orders after the signing of the armistice.

Gen. BURR. I think on both.

On November 15, four days after the signing of the armistice, the department received a cablegram from the headquarters in France, stating the shortages for 30 divisions.

Mr. DONOVAN. Is that a copy of the telegram, General?

Gen. BURR. Yes.

Mr. DONOVAN. Suppose you put it in the record. That will explain it. Gen. BURR. I have a summary of it here, in which they asked for 6,450 light cars, 919 heavy cars, 1,096 reconnaissance cars, 1,602 staff observation cars, 1,590 machine-gun cars, 27,593 motorcycles with side cars, 573 light delivery trucks, 8,450 1½-ton trucks, 11,547 3-ton trucks, 751 gas trucks, 25,036 ammunition trucks.

Mr. REAVIS. Now, you are reading there from a cable received from whom?

Gen. BURR. This is a cable from the headquarters of the S. O. S. in France.

Mr. REAVIS. Would you be kind enough to let me see the cable, General?

Gen. BURR. This is merely a copy. The cable is S. 456 [handing the paper to Mr. REAVIS].

Mr. DONOVAN. What does "S. O. S." mean?

Gen. BURR. Services of Supply in France. That was Gen. Harbord's headquarters.

Mr. REAVIS. Now, General, how many divisions did we have in France?

Gen. BURR. I think we had 42 in the fighting line—42 fighting divisions—and in addition to that, of course, we had about 40 per cent of the fighting strength of the Army in the Service of Supply—in the S. O. S.—at the rear.

Mr. REAVIS. Now, it may be that I don't understand your system, but this cable, as I read it, doesn't call for the shipment of these to France.

Gen. BURR. It reports the shortages which were to be made up.

Mr. REAVIS. The cable reads, as I understand it:

"Paragraph 6. Motor Transport Corps. Following vehicles are the shortage that now exists in France to take care of 30 divisions. All vehicles floated during the month of October should be deducted from these figures, and the balance procured and floated at once. All orders placed in the United States for vehicles exceeding these requirements should be canceled."

Then, it goes on and gives the numbers you have just read. What cable did you get subsequent to that, if any, calling for motor vehicles—if that be an order for motor vehicles?

Mr. DONOVAN. May I see a copy of that telegram, please?

Gen. BURR. Yes, sir. [Handing the paper to Mr. DONOVAN.]

We had a cable December 7, 1918.

Mr. REAVIS. Before you answer that, General, I would like to have this cable—this is a copy of it, you say?

Gen. BURR. There is no question as to the accuracy of it.

Col. SEAMAN. The copy was made right in the cable office.

Mr. REAVIS. I would like to have that inserted at this point in the record.

(The paper referred to follows:)

"MOTOR VEHICLES SHIPPED TO FRANCE.

"[Extract from cablegram S. 456, Nov. 15, 1918.]

"Par. 6. Motor Transport Corps: Following vehicles are the shortages that now exist in France to take care of 30 divisions. All vehicles floated during the month of October should be deducted from these figures and the balance procured and floated at once. All orders placed in the United States for vehicles exceeding these requirements should be canceled: Ten thousand six hundred and twenty-eight bicycles; 6,450 motor cars, light; 919 motor cars, heavy; 1,096 cars, reconnaissance; 1,602 cars, staff observation; 1,590 cars, machine guns; 27,593 motor cycles with side cars; of 573 trucks, light delivery;

8,450 trucks, cargo 1½ and 2 ton; 11,547 trucks, cargo 3 to 5 ton; 751 trucks, gas tank, 3 tons; 25,036 trucks, ammunition; 24 field-lighting sets; 2,144 trucks, light aviation; 74 trucks, photographic; 52 trucks, balloon winch; 61 trucks, tender for balloon winch; 53 trucks, radio repair, Air Service; 53 trucks, radio operating, Air Service; 779 trucks, self-dump, Engineers; 140 water tanks, 3 to 5 tons; 313 trucks, wrecking, 3 to crane MTC; 868 trailers, 2 wheels, box body, Air Service; 338 trailers, spare parts, Air Service; 1,319 trailers, 21-foot, 2-wheel, platform, Air Service; 58 trailers, water tanks, Air Service; 80 trailers, photographic, Air Service; 2,188 trailers, 3-ton, 4-wheel, cargo; 74 trailers, chart room, Air Service; 877 trailers, 1½ to 2 ton cargo; 1,530 trailers, water cart; 136 trailers, tires press; 78 trailers, 4-wheel, 3-ton, pole; 140 trucks, water tanks, 3-ton; 58 trucks, degassing outfits; 704 trucks, cargo, 4-wheel drive; 14 trucks, water-purification; 393 trucks, machine-shop; 442 trucks, light repair, MTC; 750 Ford ambulance chassis, "A" "A" "S"; 2,550 ambulances, Ford; 2,400 ambulances, G. M. C. All other motor vehicles not enumerated herein, with the exception of special ordnance vehicles, can be canceled. Ordnance Department will report separately all ordnance items not appearing herein."

Now, what further cable did you receive?

Gen. BURR. We have a cablegram, S. 572, December 7, 1918, of which I have an extract here.

Mr. REAVIS. Will you permit me to look at it, General? Just mark the extract that you think is pertinent to this.

Gen. BURR. I don't think all of it is pertinent, Mr. Chairman, but it is instructions as to the shipment of ordnance motor vehicles [handing paper to Mr. REAVIS].

Mr. REAVIS. I notice in the cablegram of December 7 it says:

"Continue shipment of only sufficient ordnance, motor vehicles, load material, to supply adequate replacement and Slater spare parts for all load material and loads already shipped."

Now, at that time the department, so far as ordnance motor vehicles was concerned, was calling only for a supply sufficient to take care of adequate replacements?

Gen. BURR. Yes. Now, to indicate what would be the extent of shipments under that, I would have to have more knowledge of the exact condition of the ordnance equipment in France than I have. They apparently state in that cable that in order to repair tractors already shipped, it has been necessary to take apart complete tractors and use them as spare parts. So they wanted spare parts and also additional machines to replace.

There was great delay during the months of September and October, 1918, in the floating of motor vehicles to France; the American Expeditionary Forces never had more than 40 per cent of motor vehicles for its requirements. Cablegrams dated October 12, 16, 18, and November 14, and even on the day of the signing of the armistice, were received by Gen. Goethals, who was then in command of the Purchase, Storage and Transport division of the Quartermaster Corps earnestly urging the necessity for the early arrival and explaining the injury done the service in France by the delay in their receipt. The War Department in most instances had the vehicles at the docks. The delay was caused by the lack of bottoms in which to ship them. Gen. Goethals, careful of the Government's interests which he had so long and faithfully served, on November 30, 1918, sent a cable after he had been in receipt of one calling for the shipment of motor vehicles to Gen. Pershing, asking to be advised if there was necessity for the shipment of the vehicles required in a cablegram received by him from Pershing on November 15, 1918. Again, on December 11, 1918, Gen. Goethals cabled Gen. Pershing to be advised if the shipments which he had made in November in accordance with the requirements received in the cablegram of November 15, 1918, would make unnecessary the shipping of the December requirements contained in the cablegram dated December 11, 1918. Thus, gentlemen, you will see on two specific occasions Gen. Goethals by cable assured himself by receipt of a return cable of the necessity for these requisitioned motor vehicles referred to.

In December, 1918, Gen. Harbord, chief of the Services of Supply, by the direction of Gen. Pershing, cabled Gen. Goethals in reply to his inquiries of November and December, 1918, asking for advice, as follows:

[Cable to Gen. Harbord #323, November 30, 1918.]

PST Paragraph 1. Reference S 487, paragraph 1, and S 502, paragraph 4 B, extremely important that we receive advice at once as to December priority for motor transportation. Reference X 316, paragraph 7, suggesting shipment of 2,500 trucks and 1,000 cars, do you not think it advisable to eliminate all shipments of motor transportation after December 1st except spare parts and tires? Trucks and cars shipped during December, after allowing time for voyage, unloading, erection, etc., will not be available for use in France until the end of January, at which time there will presumably be a large reduction in force. Advise quickly.

GOETHALS.

[Extract of "S" cablegram, No. 629, December 16, 1918.]

Paragraph 5. For purchase and chief Motor Transport Corps. Reference X 343, paragraph 9 F. Need for heavy motors care, especially urgent, due to needs for transportation in connection with peace negotiations; request effort be made to ship as requested in December. Advise.

HARBORD.

[Extract—X 348—December 11, 1918.]

S. & P. Paragraph 2. Shipments for the month of November, as follows: Motors and vehicles: Automobiles, heavy, 303 each; light, 767 each; motor cycles and side cars; side cars only, 3,633; each motor cycles, Solo, 2,935 each; bicycles, 3,851 each; trucks, light delivery, 867 each; type A, medium, one and one-half to two ton, 713 each; type B, heavy, three to four ton, 2,652 each; heavy cargo, five-ton, 43 each; dump, 10 each; light aviation, 73 each; ammunition, 2,214 each; chassis; light delivery, 120 each; type A, medium, one and one-half to

two ton, 306 each; type B, heavy, three to four ton, 988 each; heavy cargo, five-ton, 57 each; dump, 20 each; light aviation, 250 each; ammunition, 104 each; ambulances, Ford, complete, 132 each; Ford chassis, 4 each; G. M. C., type AA, complete, 34 each; type AA chassis, G. M. C., 684 each; G. M. C., type AA bodies, 647 each; trailers, 691 each; casing tires and tubes, 6,045 each. Reference S 551, paragraph 4, see X 326, paragraph 18. Advise if this will change December requirements.

GOETHALS.

[Extract X-644. December 18, 1918.]

Paragraph 4. For purchase, and Chief, Motor Transport Corps. Reference S, 348, paragraph 2. This will not change December requirements.

HARBOR.

Gen. Goethals not only forthwith shipped the November and December motor-vehicle requirements requested by Gen. Pershing, but honored all requisitions for subsequent motor-vehicle requirements thereafter up to and including February and March, 1919.

Gentlemen, I know you will agree with me that with Gen. Pershing requisitioning motor-vehicle requirements and demanding their immediate floating and stating the injury that the nonreceipt of them was occasioning the service, and with Gen. Goethals assuring himself by cablegram from Gen. Pershing for the necessity for the floating of these requisitioned motor-vehicle requirements, it will come with exceeding poor grace for any Member of this House who may follow me here to-day to attempt to lay an indictment of waste or extravagance by the War Department in the shipping of motor vehicles to France since the signing of the armistice, when it was done by the request and under the direction of the two foremost American generals of this generation.

Of all the detestable, cheap demagoguery ever indulged in, in my opinion, was that which was in fashion during the war and extended up to the time when this House had submitted to it for its consideration the sterile, impotent, twin resolution—the one now under consideration and the one relating to the disposal of Army surplus food products—for Members of this great body to recklessly vilify and impugn the motives of the men who have attained great prominence in the business world for their high character and ability, who gave their services to their country in the time of its greatest stress, to be charged in this Chamber with a selfish personal and business interest in the management and disposal of the surplus products and equipment over which in their governmental capacity they have jurisdiction. I trust that those Members of the House who are to follow me in the discussion of this resolution now under consideration will forego the temptation of such an unseemly and unjust practice and will not regard it necessary to assail the character or the intention of any reputable business man such as I have described that may now be connected in a prominent governmental capacity to advance or promote either a partisan or a personal object.

Gentlemen, I urge you to vote for this resolution, for by so doing you are, as I have already stated, indorsing the wise, sound, and economic policy now being employed by the War Department in disposing of its surplus motor vehicles. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. DONOVAN. May I ask permission to revise and extend my remarks?

The SPEAKER. The gentleman from New York asks to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. REAVIS. Mr. Speaker and gentlemen of the House, I am very reluctant to ask to proceed without interruption, but the facts which I have in mind and which I would like to lay before the membership are so voluminous that I fear it will be impossible for me to call them to your attention within the time allotted to me. I would therefore appreciate it very much if the House would be good enough not to interrupt me unnecessarily in order that I may economize my time.

I desire to discuss this resolution without partisan bias. I have no intention to indulge in unnecessary criticism. I merely want to lay the facts, as developed by the testimony, before the House in order that you may draw your own conclusions. A brief word of explanation of the policy and system adopted by the War Department for the sale of the surplus Army material, and especially for the sale of surplus automobiles, may be helpful in arriving at a correct conclusion regarding the situation.

The General Staff determines how much automobile equipment is required for the Army, and these requirements, so far as motor vehicles are concerned, are turned over to the Motor Transport Corps, of which Brig. Gen. Drake is chief. The Motor Transport Corps then declares a surplus of all motor vehicles in excess of the requirements of the Army, as shown

by the order of the General Staff. This declaration of surplus on the part of the Motor Transport Corps is turned over to the sales department, upon receipt of which it becomes the duty of the sales department to make plans for the disposition and sale of such surplus. The Motor Transport Corps can not act with reference to declaring a surplus until the requirements of the Army are made known by the order of the General Staff, and the sales department can not act with reference to the disposition of the surplus until the Motor Transport Corps has made a declaration of surplus. So we have three departments through which the matter must go before the surplus can either be transferred or sold.

The department of sales, whose duty it is to determine the policy of sale, is an organization which came into the War Department during the progress of the World War. I think Gen. Goethals was responsible for the creation of the department of sales. The Secretary of War conceived the idea that the department of sales should be largely controlled by what he is pleased to term experts. I am not prepared to say that the disposition of all the Army surplus is in the hands of these so-called experts, but I do know that the sale of every commodity which Subcommittee No. 4 has investigated is controlled by one of these experts, and that in every instance the expert is connected with some organization in civil life whose commodity will be brought in direct competition with the Army product when it is sold.

Mr. CALDWELL. Will the gentleman yield?

Mr. REAVIS. I will.

Mr. CALDWELL. Would you have the material sold by some one who did not know anything about it?

Mr. REAVIS. In answer to the question, permit me to say that I would be perfectly willing to trust the gentleman from New York, or any other man of honesty and average intelligence, to sell a Cadillac car by auction, as this resolution provides. In fact, I would greatly prefer to trust the gentleman from New York to sell these commodities for the Government if he had no personal interest in the matter than to trust some expert to sell it for the Government when it came into competition with his own product. [Applause.] Bearing in mind the duty of the director of sales and the functions of his department, it may be interesting to know that the first statement of policy of the sales department was issued in January of this year, and is as follows:

It is the policy of the director of sales to dispose of the surplus property of the War Department so as to disturb the industrial conditions of the country as little as possible.

I may say to you, after having spent nearly five months in listening to testimony disclosing the activities of the sales department, that I have become convinced that the policy as originally announced has been religiously adhered to by the sales department ever since.

The first declaration of surplus motor vehicles, as disclosed in the testimony of Brig. Gen. Drake, in serial 5, part 8, of the hearings of Subcommittee No. 4—

Mr. CALDWELL. Will the gentleman yield?

Mr. REAVIS. I mean no discourtesy to the gentleman, but will he kindly permit me to read this testimony?

Mr. CALDWELL. I understand; but I asked for time, and they would not give it to me.

Mr. REAVIS. I am not responsible for that. On the 4th of September Brig. Gen. Drake, under oath, made the following statement:

Mr. REAVIS. And these 500, or approximately 500, pleasure cars which I have personally seen were vehicles that were to be sold to the general public rather than turned over to the departments?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. Now, when did you order that survey made?

Brig. Gen. DRAKE. I do not remember the date. It was during a visit with Col. Miller at Camp Holabird. I have here a letter from Col. Chitty of July 19, which states as follows:

"The vehicles here—488—authorized for sale on February 13 last are still being held, pending disposition by the Division of Purchase, Storage, and Traffic."

Col. Chitty was the commanding officer in charge of Camp Holabird, and his letter discloses that these 488 passenger cars had been declared surplus on the 13th of February, which declaration imposed the duty on the sales department to immediately dispose of them, and yet nothing had been done on the 19th of July.

I have seen these vehicles. During all of that time they were standing in the open, with no protection, subjected to the elements, rapidly covering with rust, the tops rotting, the upholstery tearing loose, the paint faded and cracked, and the department of sales doing absolutely nothing with reference to their disposition, though Camp Holabird is only 50 miles from the city of Washington and from the office of the department of sales.

Mr. DONOVAN. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. With pleasure.

Mr. DONOVAN. Was it not true that the inventory or surplus declared, referred to in that statement, had the names of the cars but not their condition and where they were located and what their use had been, and the sales department for that reason in the statement said it would not give sufficient information for the transfer department to sell them?

Mr. REAVIS. No; that is not true.

Mr. DONOVAN. That is true.

Mr. REAVIS. It is not true; and it is no defense if it were true. Your statement would indicate that the chief of the Motor Transport Corps declared a surplus in February of 500 passenger cars within 50 miles of Washington and that they were permitted to stand in the open without action until July because the War Department, through the chief of the Motor Transport Corps, had not given the sales department sufficient information to justify the sale. If the sales department was refusing to act because of any such insufficient information, do you not think that there was time between the 13th of February and the 19th of July to have secured this information? Certainly there was time for these cars to be practically ruined by exposure. [Applause on the Republican side.]

Mr. DONOVAN. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Not any further at this time. Whoever was at fault, whether it was the sales department or the Motor Transport Corps, it is very certain that the fault of one or the other resulted in 500 passenger cars standing in the open with no protection from the 13th of February to the 19th of July, at the time the letter of Col. Chitty was written; and, as a matter of fact, these cars stood there until the latter part of September following before they were sold.

Mr. DONOVAN. The gentleman does not want to make a misstatement of facts. The gentleman says that was no protection.

Mr. REAVIS. I have not yielded.

The SPEAKER. The gentleman declines to yield.

Mr. REAVIS. It is true that the sales department, through Mr. Hutchinson, offered, not as a reason but as an excuse for its failure to act, their statement that the chief of the Motor Transport Corps in his declaration of surplus was not sufficiently specific. The chief of the Motor Transport Corps, Brig. Gen. Drake, whom I regard as an exceptionally high-class man, a splendid officer, and a very frank and candid witness—

Mr. DONOVAN. Will the gentleman yield?

Mr. REAVIS. I can not yield at this time.

The SPEAKER. The gentleman declines to yield.

Mr. REAVIS. As I was saying, Brig. Gen. Drake testified that his declaration was specific and the responsibility for the delay and the loss to the Government rested entirely with the sales department. The inactivity of the sales department was not confined to these 500 pleasure cars. In fact, the indifference of the sales department with reference to these cars is characteristic of its attitude toward all of the surplus motor vehicles. The testimony of Gen. Drake discloses this beyond question. On page 303 of part 8 will be found additional information regarding the conduct of the sales department:

Brig. Gen. DRAKE. In all, we sent 470 communications to the office of the director of sales regarding touring cars, trucks, and motor cycles.

Mr. REAVIS. Regarding the automobiles there, touring cars, trucks, etc., being unserviceable?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. When you reported to him that they were unserviceable, that they had been surveyed and found unserviceable, under jurisdiction of his office, that gave authority for him to sell from that report, did it not?

Brig. Gen. DRAKE. Yes, sir; absolutely.

Mr. REAVIS. And how many of these reports have you sent him?

Brig. Gen. DRAKE. Four hundred and seventy.

Mr. REAVIS. What reply had you got to them?

Brig. Gen. DRAKE. They were all returned with the letter I just mentioned.

Mr. REAVIS. And not an automobile sold?

Brig. Gen. DRAKE. No, sir.

Mr. REAVIS. And you sent him 470 reports?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. These 470 orders that were sent from the department that declared a surplus to the department whose duty it was to sell as soon as the declaration was made, comprehended the surplus motor equipment in many camps throughout the country?

Brig. Gen. DRAKE. These 470 reports did not all relate to vehicles in Camp Holabird, but to stations throughout the United States.

Mr. REAVIS. That is, at Cleveland, Chicago, Atlanta, Cincinnati, and all other places where motor vehicles were stored?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. Why did you only report to him the unserviceable cars?

Brig. Gen. DRAKE. Because we reported the total number of motor vehicles surplus, 36,362.

Mr. REAVIS. Is that the total motor-vehicle surplus in the Army in the United States?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. Has that surplus been growing greater, or has it been decreasing?

Brig. Gen. DRAKE. Just recently it was increased by the order of the Secretary of War declaring surplus 3,000 F. W. D. trucks, 279 Dodge cars, and 92 seven-passenger cars.

Mr. REAVIS. The greater proportion of them are serviceable, are they not?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. When were they reported to the director of sales?

Brig. Gen. DRAKE. This was approved by the Acting Secretary of War on April 12 and was immediately transmitted to the director of sales.

Mr. REAVIS. Subtracting 3,000 from the total would leave approximately 37,000 automobiles that had been in his hands as surplus since April?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. Well, Gen. Drake, how many have been sold?

Brig. Gen. DRAKE. To my knowledge, very few have been sold.

This testimony was given on the 4th of September. During the interim, from February until September, the director of sales, according to the testimony of Gen. Drake, had received 470 orders granting authority and imposing the duty to sell surplus motor vehicles. Gen. Drake testifies further that no communication was received by his office from the director of sales regarding these declarations of surplus until July, at which time the director of sales returned all of the declarations of surplus and all the orders to the Chief of the Motor Transport Corps, with the statement that he did not care to handle the proposition. From the time of the armistice, on the 11th of November, down until this hour these cars have been standing in the open, exposed to the elements, subjected to the storms of winter and summer, with absolutely no protection. The paint has cracked, the hoods are covered with rust, the upholstery and tops have rotted, and practically no effort has been made on the part of those charged with the duty of selling them to dispose of them.

Mr. HUSTED. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. With pleasure.

Mr. HUSTED. Will the gentleman tell us how many cars were covered by these 470 orders?

Mr. REAVIS. It is impossible for me to do that. I would have to make a computation which I have not done, but there were several thousands. Brig. Gen. Drake was probably justified in expecting the sales department to dispose of these cars after the declaration of surplus. His duty was really performed when he declared the surplus and sent it to the sales department, but because of the inactivity of the sales department and because of the action of the sales department in sending all of the declaration of orders back during the month of July, Drake tried to get a different system that provided for the elimination of the sales department, that granted him authority to make the sale himself. On pages 301 and 302 of part 8, in the printed record of the testimony, the following is found:

Mr. REAVIS. Now, there is no intention of placing the responsibility where it should not go, but I want to get the facts in the record. The armistice came in November of last year. These automobiles, thousands of them, trucks and pleasure cars, have been standing in open storage, subjected to the snows of winter and the rains of summer, from that day down until this, and the department is just now, on September 1, having a survey made that will permit the sale of these vehicles. Is that correct?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. Who is responsible for that delay?

Brig. Gen. DRAKE. The idea from the beginning was to transfer all vehicles of whatever class to some one of the other departments. We had no authority to do this, and I had no authority to hold a sale of the vehicles during that time.

Mr. REAVIS. I know that, General. I am not trying to fix any responsibility on you any more than I am on anyone else. I am just trying to find out what has been done. There has been absolute criminal waste with reference to this thing. Both Mr. MACGREGOR and myself have gone personally to Camp Holabird and have seen the condition of these cars. To anyone who realizes the necessity of his Government for money and the burden that taxation is placing upon the citizens of this country, it is appalling. I am not claiming that you had any authority to sell these. I think probably you did not have the authority, but the director of sales did have the power, did he not?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. And all the authority necessary for the sale there when you gave him the list last February?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. And he did absolutely nothing until July, so far as you know?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. And all that he did in July was to notify you that he did not want to act under the authority that you had given him in February?

Brig. Gen. DRAKE. Well, it was my suggestion as to handling this sale, this action of August 1.

Mr. REAVIS. But I say that the first thing that the director of sales did from February to July, notwithstanding the exposed condition of these cars, was to notify you in July that he did not want to act under the authority that you gave him in February?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. And that he did not want to perform the duty that the jurisdiction of his office imposed upon him. That was, in effect, what he said, was it not?

Brig. Gen. DRAKE. That was the effect. I do not know his reasons.

The conduct of the sales department, with reference to these automobiles, is in entire harmony with the avowed policy announced in January, that the surplus war material would be so sold as not to disturb industrial conditions. I know of no better

way to prevent such disturbance than to permit these cars to rot and go to ruin as they were permitted to do.

Mr. DONOVAN. Will the gentleman yield?

Mr. LONGWORTH. Will the gentleman yield?

Mr. REAVIS. I yield to the gentleman from Ohio.

Mr. LONGWORTH. Does the gentleman construe the phrase "not to disturb industrial conditions" to mean not to reduce prices?

Mr. REAVIS. It manifestly can have no other meaning.

Mr. LONGWORTH. Is it not a fact that in the case of another investigation that the gentleman's committee undertook, to wit, the food situation, the War Department declined to sell articles of food on the ground that it would reduce the price of food?

Mr. REAVIS. They not only declined to sell the food but they added the food unnecessarily to the ration of the soldiers, with the intention of compelling the soldiers to eat it so they could not be forced to sell it.

Mr. LONGWORTH. And that is the way they are reducing the high cost of living.

Mr. REAVIS. Yes, sir.

Mr. DONOVAN. Will the gentleman yield?

Mr. REAVIS. Wait a moment. Just a word further regarding the sale of this food. I drew and introduced the resolution calling upon the Secretary of War to take this food out of the warehouses, where it was rotting and going to ruin, and to permit the American people, who at great sacrifice bought and paid for it, to consume it; and immediately after the passage of that resolution the President addressed the Congress and took credit to the administration for the fact that they were selling the Army food, but he said nothing about the fact that it had been permitted to lay in the warehouses for nine months and was not sold until, under my resolution, a Republican Congress forced them to sell it.

Mr. DONOVAN. Will the gentleman yield?

Mr. REAVIS. I yield to a question.

Mr. DONOVAN. Did not the gentleman ask Mr. Hutchinson this very question, whether or not it was the policy of the War Department to keep automobiles off the market to aid the dealers, and did not he reply, in serial 5, pages 9 and 10, that they had had requisitions for concrete mixers for several other parties for road building and that they were not selling to the States for the very reason that they did not want to be charged with doing what you are now charging them with? That these cars primarily were to go to the Government and to the departments, and then the unserviceable surplus was to be sold. Is not that a fact?

Mr. REAVIS. It is quite possible that he answered that. I do not now recall whether he did or not.

Mr. DONOVAN. He did.

Mr. REAVIS. If he did so answer, his statement is out of harmony with every movement his department has made for 11 months.

Mr. DONOVAN. Will the gentleman yield?

Mr. REAVIS. Not any further now, if you please. It is well to bear in mind that during the time the Motor Transport Corps was seeking to have these machines sold that there were 130,000 motor vehicles held by the War Department in the United States. I will not take the time to quote the testimony, but it is disclosed on page 316, part 8. Before this war started the total motor vehicles needed for the Army of the United States was but 4,000. It must have been very apparent to anyone of average intelligence that there was a tremendous surplus of these vehicles. It was known to all bureaus of the War Department that there was no storage sufficient to take care of this tremendous number of machines. No farmer would permit his farm implements to lie out in the open all winter, and yet farm implements, because of the character and material of their construction, would not deteriorate in any degree as an automobile would when so exposed.

Notwithstanding winter was approaching, notwithstanding the tremendous loss that the Government would suffer by permitting these cars to stand in the open, absolutely nothing was done to either sell them or to provide storage. This indifference on the part of the War Department to the rights and the welfare of the American people is beyond understanding, but the testimony is undisputed in this record that this condition continued through all of the winter and practically through all of the past summer. I am criticizing this not as a partisan but as an American. It is my firm belief, after months spent in this investigation, that the sales department should be reorganized. I do not believe that men can serve two masters, and I think the time has come to put men in charge of the sale of Army surplus who are entirely disinterested and who would be actuated by the sole desire to get the largest sum they could for the Government.

Mr. MADDEN. Does not the gentleman think some gentleman higher up should have the responsibility?

Mr. REAVIS. Somebody higher up has been advised all the time of what has been going on. Not a man in the sales department nor in any other bureau of the War Department would remain there overnight if it were not with the consent of somebody higher up.

Mr. KNUTSON. Who created this sales department?

Mr. REAVIS. I really do not know; probably it was Gen. Goethals.

Mr. KNUTSON. Who appointed Gen. Goethals?

Mr. REAVIS. The Secretary of War appointed Gen. Goethals; and there is no man in this sales department who would remain there an hour if the Secretary of War desired his removal.

Mr. BLACK. Will the gentleman yield?

Mr. REAVIS. Certainly; for a question.

Mr. BLACK. Can the gentleman give us any figures as to how much the aggregate of sales has been up to date by the sales department?

Mr. REAVIS. I can put it in the RECORD; I can not give you the figures now. I have not made the computation, though it is all fully disclosed in the printed testimony. It would require several computations to make an intelligent answer.

Mr. KNUTSON. Will the gentleman yield for a further question?

Mr. REAVIS. For a brief question.

Mr. KNUTSON. What is the pay of the director of the sales department?

Mr. REAVIS. I do not know what his salary is. I do know he does not earn it, whatever it is.

Mr. KNUTSON. Has the attention of the Secretary of War been called to the condition that the gentleman has disclosed?

Mr. REAVIS. Not by me.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. REAVIS. Yes.

Mr. MONDELL. Is it not the duty of the Secretary of War to know what is going on in his department, in the sales department as well as elsewhere?

Mr. REAVIS. It is manifestly his duty, and if he is not doing it his failure to perform that duty is costing the American people millions upon millions because he has not performed it. How much time have I used, Mr. Speaker?

The SPEAKER. The gentleman has 10 minutes remaining.

Mr. REAVIS. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BLAND of Indiana. Is it not a fact that the Secretary of War appointed the director of sales at a salary of \$25,000, and also appointed the liquidation commission?

Mr. REAVIS. I recall now that the Assistant Secretary of War, without legislative authority, appointed the director of sales at a salary of \$25,000, which the Senate reduced to \$12,000 a year. That had escaped my memory for a moment.

Let me return to the attitude of the director of sales with reference to the disposal of these machines. Gen. Drake, to be quite fair with him, had done everything in his power to get these cars disposed of. He was very evidently irritated at the long and unnecessary delays. He tried repeatedly to get the War Department to authorize him to sell, but up until the 1st of September all of his requests along this line were summarily refused. On page 312, of part 8 of the testimony, he confessed that he did not know why the sales department had refused or neglected to dispose of the cars.

Mr. REAVIS. You and I have both seen them and both know of the conditions. I want to put into the record just the way they are. The paint in some instances is off, is it not?

Brig. Gen. DRAKE. Yes, sir; in part or—

Mr. REAVIS. In some places the hoods are covered with rust?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. The tops have been rotted, have they not, by being exposed to the elements?

Brig. Gen. DRAKE. They have been bleached; of course, injured to a certain extent.

Mr. REAVIS. Well, I can show you pictures of where they hang down from having rotted. Do you know of any cases of that kind?

Brig. Gen. DRAKE. I know that would happen in the high winds that prevail.

Mr. REAVIS. The upholstery has lost its luster, and in some places destroyed so that the packing is sticking through. General, do you think a car in that condition would be as salable as a car not in that condition?

Brig. Gen. DRAKE. I do not think so.

Mr. REAVIS. If it were your automobile, you would rather have it in a garage, would you not?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. The director of sales has had 17,000 and more of these automobiles exposed to the elements deteriorating, as I have described, and as you have agreed, since April, without a sale being made?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. Do you know why?

Brig. Gen. DRAKE. No, sir; I do not know their policy in regard to sales.

Sometimes it is possible to determine the reason for conduct on the part of an individual by the surrounding circumstances. It is very difficult for anyone to understand how an official of the Government would willfully permit motor vehicles to be destroyed in this way, if the official had at heart the best interests of the people of this country. The one who had charge of the sale of these automobiles for the sales department was Mr. Guy Hutchinson, who was called before the committee and who was given every opportunity to state fully his side of this disputed question. One of the questions that was asked him was with reference to his former employment before being called to take charge of the sale of Government motor vehicles, and he made this answer:

Mr. REAVIS. Before entering the War Department, what activity were you engaged in?

Mr. HUTCHINSON. I was in the automobile business.

Mr. REAVIS. Where?

Mr. HUTCHINSON. I was general manager for the Willys-Overland Co. in New York.

Mr. REAVIS. That is, for the company manufacturing that car?

Mr. HUTCHINSON. The Willys-Overland Co., their home office in New York.

Some time after testifying before the committee Mr. Hutchinson requested the privilege of again testifying, in order to correct certain inaccurate statements that he had made in the first instance. In this correction will be found, on page 403, of part 9, the following:

Mr. HUTCHINSON. All right; I will do it that way. On page 570 of the reporter's transcript of my testimony of September 4 I am quoted as replying to the inquiry as to where I was in the automobile business as follows:

"I was general manager for the Willys-Overland Co. in New York."

The answer should read:

"I was the general manager for the Willys-Overland Co. (Inc.), of New York City."

Mr. REAVIS. At that point let me ask you this question: What is this company of which you were the general manager?

Mr. HUTCHINSON. It is the New York district branch of the Willys-Overland Co.

Mr. REAVIS. Is it an automobile company?

Mr. HUTCHINSON. Yes, sir.

So we have the situation of a man in charge of the sales of the Government surplus automobiles who was the general manager of an automobile company just before he took his present position. Not a passenger car can be sold on behalf of the Government that will not come into competition with the product of the company for which the Government agent was general manager before taking his present position. I do not know of any better way to keep Government automobiles from being sold than to place the sale of them in the hands of men who must necessarily have a personal interest in keeping them off the market. I do not know any better way to keep from disturbing industrial conditions by the sale of Government automobiles than to put the power of the sale in the hands of one who was formerly general manager for an automobile company. These experts in the sales department should be removed and removed at once. Men should be put in that department who have but one allegiance, and that allegiance should be to the Government for which they act. It is impossible to tell how many millions of dollars have been lost by the carelessness and indifference with reference to surplus motor vehicles. After a close investigation and a sincere study of the matter I have but small conception as to what this loss actually is. That it is tremendous will be undisputed, and that it is needless and unnecessary is equally apparent.

For months the Motor Transport Corps has been endeavoring to get some of these cars and trucks transferred to the Agricultural Department to be utilized in the construction of roads that are built in whole or in part by Federal aid. Mr. McDonald, chief of the Highway Commission, has been equally insistent. He testifies that he has had personal interviews with the Secretary of War and with all other departments directly or indirectly connected with this disposition. The allocation of something in excess of 22,000 motor vehicles was made to the Highway Department months ago. Full authority of law was granted by Congress to make such transfer last February, but only about 8,000 of the 22,000 have been transferred up to the 20th of last month, or for 11 months these cars stood exposed to the elements, deteriorating in value, when they should have been of use in the construction of the highways of the Nation.

There has been some disposition on the part of the sales department to blame the Highway Commission for its delay in making this transfer, but Mr. McDonald, when this criticism was called to his attention, testified as follows:

Mr. REAVIS. But you had your allotment in the hands of the War Department long before that?

Mr. McDONALD. From May 15, I believe. I haven't the exact date here.

Both Mr. McDonald and Brig. Gen. Drake testified that they are in hopes that an immediate transfer of these vehicles can be effected, for the reason that within the past two weeks they have secured authority from the Secretary of War to eliminate the sales department as a clearing house between the Motor Transport Corps and the Highway Commission and to make the transfer directly from the Motor Transport Corps to the Highway Commission. If the Secretary of War will just follow this order up with another order that will eliminate the sales department with reference to the sale of these machines or will so reorganize the sales department that the selling agent of the Government will have no interest of his own to serve, the surplus motor vehicles will be readily disposed of.

I do not intend by what I have said to entirely relieve the Motor Transport Corps of responsibility for some of the losses the Government has suffered. It is within the knowledge of all Members of Congress that millions of dollars have been appropriated and spent for the construction of repair shops, and that we are keeping a very large personnel of experts, many thousands, in fact, to repair motor equipment. Up to this time no serviceable passenger car has been sold. I mean by that, no new passenger car has been sold. Actuated by the desire not to disturb industrial conditions, these cars have been permitted to stand in the open until they are practically wrecks before any effort has been made to sell them. Notwithstanding we have ample facilities in the way of repair shops and skilled mechanics by the thousands, no effort has been made to repair these wrecks before offering them for sale. Brig. Gen. Drake, on page 286 of part 8, testified as follows:

Mr. REAVIS. When you speak of unserviceable, I take it that you mean automobiles or motor vehicles that are not serviceable from the Army viewpoint, and not standard?

Brig. Gen. DRAKE. In this connection they were vehicles that were susceptible—many of them susceptible—of repairs, but we did not deem it proper to repair them, in view of the number of serviceable new vehicles that we had on hand.

I think this answer discloses the viewpoint of the War Department and the viewpoint of the average man who has spent his life in the Army. I am not sure that I understand the psychology of it, but, without attempting to analyze the reason for it, it is nevertheless true that so long as the needs of the Army are provided nothing else is of consequence. These cars could have been repaired with practically no additional expense to the Government, for we have on hand all the spare parts, we have the repair shops and the personnel of skilled mechanics, and when so repaired would have sold for a much larger sum than was secured for them. Yet, notwithstanding the money that the Government would have saved if such action had been had, the Chief of the Motor Transport Corps testifies that, inasmuch as they had so many new cars for Army officers to use, they saw no necessity to repair these old cars.

The resolution which I have introduced, and which is now before the House, calls on the Secretary of War to obey the law. Last January we passed a law authorizing the sale of surplus Army equipment. Last February we enacted a measure authorizing the transfer of motor equipment to the Highway Commission for the construction of roads built in whole or in part by Federal aid. Neither of these things has been done, though nearly a year has elapsed. The passage of this resolution and the publicity of the true condition will result in the sale and transfer of these motor vehicles, as a similar resolution introduced by me resulted in a sale of food. I do not believe that this resolution should be materially amended, though there is one amendment suggested to me by the gentleman from Virginia [Mr. MOORE] that should be adopted. This amendment which he has asked me to introduce provides for the transfer of spare parts which can be used on the vehicles to the Highway Commission. These spare parts are useless in the hands of the Government and would be of great service to the Highway Commission, and I think the amendment of the gentleman from Virginia should be adopted. I do not favor any additional amendments.

War is always waste and extravagance. It is out of harmony with a Christian civilization, and I sincerely trust will never again come to fret and trouble the children of men. War is sacrifice, and the instinct of patriotism impels the people of a nation to offer whatsoever sacrifice this instrument of a dark age may require. Many there are who offer the greatest sacrifice of which life is capable—the sacrifice of life itself—and far on the other side of the sea there are narrow strips of ground that mark the resting place of many American lads who gave to the Nation and to the world the sacrifice supreme. I had hoped against reason that war might not be profitable to anyone, and I should like very much if conditions could be brought about and

perpetuated that would make it impossible for anyone to profit because of war. There are some, however, who have taken advantage of this abnormal condition to better their own material and financial welfare. This is not true of those whom I represent, for the greatest financial sacrifice that this administration has visited upon any class has been visited upon the farmer. His was the only product that was subjected to antagonistic legislation. His wheat was held at \$2 a bushel at a time when across the imaginary line which separates America from Canada, and where there was no price fixing, Canadian wheat was selling at \$3.60. Notwithstanding this, the American farmer patriotically planted a greater acreage of wheat than was ever planted in the history of the Nation before. His hogs were held at an arbitrary and fixed price, and now that the war is over his products are being hammered down and down until scarcely a thing that he sells is not sold at a loss.

While this condition was going on, and notwithstanding we had thousands of cars for which we had no storage, the War Department permitted the automobile companies to complete their war contracts. It was not said to them that we had no use for the cars, that we had no storage for them, that the people of the country were burdened with tremendous taxation, and for these and other reasons these contracts should be canceled. No; that was not said, but notwithstanding an underproduction of motor vehicles and the impossibility of the general public obtaining prompt delivery of automobiles, the Secretary of War has permitted the automobile companies to continue to deliver automobiles to the Government after the war was over. In the month of November and after the signing of the armistice, the automobile companies delivered to the Government, which we accepted and paid for, 18,928 motor vehicles. In December we received and paid for 11,677 motor vehicles; in January of this year, 16,053; in February, 9,540; in March, 7,452; in April, 3,509; in May, 1,521; in June, 783; and in July, 554. In other words, the War Department has bought and paid for 70,130 motor vehicles since the close of the war, while the total motor equipment of the Army before the war was but about 4,000 of these motor vehicles.

These new motor vehicles so received after the conclusion of the war were piled in the crates in which they were shipped, five high, in such quantities as to cover acres of ground. Over these crates was erected a temporary roof, similar to the protection that the farmer gives a haystack, and there they have stood since their delivery, and there they stand to-day. There are no sides to these buildings, and there is nothing to protect the cars from the elements save the roof which is over them and the crates in which they were shipped.

Mr. GREEN of Iowa. In addition to these cars accepted by the department after the war was over, we were also receiving a large number of machines in perfect condition from the Germans under the terms of the armistice.

Mr. GARRETT. Will the gentleman yield?

Mr. REAVIS. For a question only.

Mr. GARRETT. Were these machines delivered on contracts that had been entered into prior to the armistice?

Mr. REAVIS. These machines were all delivered on prewar contracts.

Mr. DONOVAN. Will the gentleman yield?

Mr. REAVIS. For a very brief question.

Mr. DONOVAN. Was it not true that these cars sent after the armistice was signed were sent under the direction of Gen. Goethals, and was it not also true that during the war we had only 50 per cent of production, as testified to by Gen. Burr in Europe?

Mr. REAVIS. That is not true; but even if it were true, if we had 50 per cent of our needs for war purposes, we certainly had more than our needs for peace purposes.

Mr. MADDEN. Will the gentleman yield?

Mr. REAVIS. Yes.

Mr. MADDEN. How many automobiles were delivered to the War Department since the armistice was signed?

Mr. REAVIS. Seventy thousand one hundred and thirty. In this connection I want to call to the attention of the Committee on Military Affairs that the War Department is now holding for the new Army about 53,000 new motor vehicles. They are doing this on the theory that Congress is to authorize an Army of 500,000 men. If such authority were granted, and I hope it will not be, it would mean a motor vehicle for every 10 men in the Army. If the Military Committee materially reduced the Army below this figure it will, of course, vastly increase the number of surplus machines, and this Congress should by legislation not only compel the declaration of surplus for the reduced force, but should compel the immediate sale of the surplus. Otherwise the vehicles will be retained, as they have been retained in the past.

The result is that we are not only refraining from disturbing the industrial conditions by refusing to sell the surplus automobiles, but we are further preventing the disturbance of industrial conditions by continuing to buy motor vehicles running into the hundreds of millions at a time when the people are burdened almost beyond endurance by excessive taxation. When the war ceased somewhat suddenly on the 11th of November last year an armistice was agreed upon between the allied and associated nations on one side and the Central Powers on the other. Under the terms of this armistice a vast quantity of motor equipment was turned over to the United States by Germany. Immediately upon the signing of the armistice we started the demobilization of our Army. So rapidly was this accomplished that 800,000 soldiers were discharged and permanently out of the service 60 days after the signing of the armistice. The demobilization was carried on at the rate of about 80,000 men a week, so that by the 11th of May 2,250,000 soldiers, out of an army of 3,700,000 men, were discharged and out of the service.

It is quite apparent that the more soldiers discharged the greater the surplus of Army material. If you have motor cars on hand sufficient to equip an Army of three and a half million men you will have a very large surplus if the Army is reduced to a million men, so it follows that the rapid demobilization of the Army would immediately increase the surplus of motor vehicles.

Another thing to be taken into consideration is that with our Army coming home from France at the rate of nearly 300,000 a month all war material in France was rapidly becoming surplus because there was no army there to use it. Yet notwithstanding the vast quantity of motor vehicles we had in France, motor vehicles that we had shipped from this country, purchased from foreign countries, and received from Germany, the War Department continued to ship these vehicles to France after the war was over and at a time when our soldiers were being brought home. The very transports that would bring soldiers from France to America would return to France with automobiles for an army that was not there.

In the month of November and after the armistice we shipped 20,607 motor vehicles to France; in December we shipped 15,421; in January, 2,091; in February, 1,315; in March, 431; in April, 42; in May, 81; in June, 5, or a total shipment of new motor vehicles after the war was over of 39,993. This seems to me another most excellent way of keeping from disturbing industrial conditions with reference to the automobile industry in America.

Gen. Burr, under whose charge this was, justified these shipments when he testified before the committee in large measure on a cable order dated November 15, 1918:

[Extract from cablegram S. 456, Nov. 15, 1918.]

Paragraph 6. Motor Transport Corps.—Following vehicles are the shortages that now exist in France to take care of 30 divisions. All vehicles floated during the month of October should be deducted from these figures and the balance procured and floated at once. All orders placed in the United States for vehicles exceeding these requirements should be canceled: 10,628 bicycles; 6,450 motor cars, light; 919 motor cars, heavy; 1,096 cars, reconnaissance; 1,602 cars, staff observation; 1,590 cars, machine guns; 27,593 motorcycles with side cars; 573 trucks, light delivery; 8,450 trucks, cargo, 1½ and 2 tons; 11,547 trucks, cargo, 3 to 5 tons; 751 trucks, gas tank, 3 tons; 25,036 trucks, ammunition; 24 field lighting sets; 2,144 trucks, light aviation; 74 trucks, photographic; 52 trucks, balloon winch; 61 trucks, tender for balloon winch; 53 trucks, radio repair, Air Service; 53 trucks, radio operating, Air Service; 779 trucks, self dump, Engineers; 140 water tanks, 3 to 5 tons; 313 trucks, wrecking, 3 to crane, M. T. C.; 868 trailers, 2 wheels, box body, Air Service; 338 trailers, spare parts, Air Service; 1,319 trailers, 21-foot, 2-wheel platform, Air Service; 58 trailers, water tanks, Air Service; 80 trailers, photographic, Air Service; 2,188 trailers, 3-ton, 4-wheel cargo; 74 trailers, chartroom, Air Service; 877 trailers, 1½ to 2 ton cargo; 1,530 trailers, water carts; 136 trailers, tires press; 78 trailers, 4-wheel, 3-ton pole; 140 trucks, water tanks, 3 ton; 58 trucks, degassing outfits; 704 trucks, cargo, 4-wheel drive; 14 trucks, water purification; 393 trucks, machine shop; 442 trucks, light repair, M. T. C.; 750 Ford ambulances, chassis "A" "A" "S"; 2,550 ambulances, Ford; 2,400 ambulances, G. N. C. All other motor vehicles not enumerated herein with the exception of special ordnance vehicles can be canceled. Ordnance Department will report separately all ordnance items not appearing herein.

It will be noted that this cable order was sent four days after the signing of the armistice, and at a time when it was impossible for anyone to tell just what the future would develop and just what the needs of our Army in France would be. Several cables were put into the record by Gen. Burr, but his justification for this large shipment is largely on this cable of November 15, and which is known as extract from cablegram S. 456.

At the conclusion of the general's testimony, I asked him to furnish me with a copy of all cablegrams ordering motor equipment or referring to the shipping of motor equipment after the conclusion of the war, and while these cables are very voluminous and require a good deal of time and effort to go over, I did run across a cable dated November 16, 1918, or just one day after the sending of the cablegram which the general uses as his justification for these shipments, and which cablegram the

general did not give me at the time he testified before the committee. The cablegram is as follows:

[Extract from cablegram S. 463, Nov. 16, 1918.]

Paragraph 1. For the Chief of Staff and Embarkation: Disregard entirely paragraph 6 of S. 456. Motor transport requirements will be extensively reduced from figures given.

It will be noted that the order in the cablegram of November 15 remained in force just one day, and on the day following another cable is sent from the same source which says, "Disregard entirely" the cablegram of the day before.

There is another consideration to which I want to call the attention of the House and the country. In the month of August we sold to the French nation all of the motor vehicles we had in France, which were valued at \$310,000,000, for 20 cents on the dollar, on 10 years' time. In other words, the motor equipment we had in France was worth approximately as much money as it cost to build the Panama Canal, and in this motor equipment were the 26,000 vehicles that we sent abroad after the war was over, after we had received the motor equipment from Germany, and after our troops were being brought home. It may be in bad taste at this particular time to register a protest against such shameless waste of the people's money. It may be with so many voices in the air appealing to us to be generous to other people that one is not justified in demanding that we be just to our own people. There is no one more sympathetic with the stricken people of the Old World than am I, but I must confess that generosity such as I have just revealed is an unwarranted disregard of the rights of the American people.

I have tried to discuss this measure without partisan feeling and without unnecessary criticism. I have tried to fairly and impartially lay the facts as revealed by the testimony before this House and before the country. Quite recently the gentleman from Mississippi [Mr. COLLIER], in an address of some bitterness, accused me of delivering a partisan speech on the resolution calling for the sale of surplus Army food. I was not then conscious of delivering partisan remarks. I tried then, as I have tried now, to reveal the facts as I knew them; but I was speaking to a legislative measure with a constructive purpose, while the gentleman secured time for the sole purpose of talking politics. I was seeking to accomplish something for the good of the country. The gentleman was seeking to serve the ends of his party. I can not understand, if the gentleman is correct, why partisanship and the delivery of a partisan speech should be a virtue in him and at the same time a vice in me.

The gentleman from Louisiana [Mr. ASWELL] has likewise this afternoon delivered a partisan speech, bitter in its criticism of the Republican Party and of the majority in this House. It may be that I am mistaken and that my remarks have been partisan and that they were partisan on the food resolution. It may be that the gentleman is right and that I am wrong, but I spoke only for the rights of the American people; I spoke that they might be permitted to consume the food which they had at great sacrifice purchased and paid for. It may be that that is a partisan purpose, for in this day and age, under the autocratic régime of the great internationalist, one may not speak for the sovereignty of this Nation and for the rights of its people unless his words constitute an indictment of the purposes and plans of this administration. It may be that the charge of the gentleman from Mississippi is correct, for it seems that neither in this Chamber nor elsewhere in this country may one speak for the citizens of America either to serve the present generation or to safeguard the interests of the generations of the long future, unless some Democrat arises to accuse him of talking politics.

I sincerely trust that never in the history of the Republican Party will it be the advocate of principles which antagonize those who speak for the Republic or the peoples of the Republic. I sincerely hope that in the future, as now, the Republican Party shall stand as the protector of American rights, American independence, and American sovereignty, so that one who raises his voice in defense of any or all of these may justly subject himself to the charge that he delivers a Republican address.

Criticism has been indulged in by these and other gentlemen of the expense of this investigating committee. I do not know what that expense is, but I do know that it is comparatively trivial. I have not the figures at my command, but they will shortly be given to the House, and will disclose that for the few thousand dollars this committee has taken from the Treasury it has put more than a hundred millions back in. As a business proposition, it is scarcely subject to the criticism that certain Members who seek to discredit the committee have indulged in.

But there is a larger aspect than the one of finance, and that is the aspect of beneficial service to the people. The hardships

that present conditions impose upon the very poor are as apparent as they are distressing. They are hardships which embitter those who suffer and create rebellion against existing order. Men whose families hunger do not analyze economic conditions in their search for causes. Very few of them acknowledge the abnormal conditions which have so disturbed the equilibrium of the world. They prefer charges against the Government, against men in high places, and their charges fall upon ready, if not eager, ears. It is not pleasant to disclose unworthy acts on the part of anyone, but the offense lies in the commission of the acts and not in the disclosures.

It is worth while to show the people that their interests are near the hearts of those who represent them. It is worth while to show that the Congress is determined they shall not be wronged. It will inspire confidence in government if by its acts the ruling power in the Nation at all times stands guard over the rights of the weak and helpless. Because of the work of this committee the surplus food which would have spoiled in warehouses found its way to the tables of the poor in every village and hamlet of the Nation. A glance at my mail would convince you of the gratitude of those for whom the burden of existence was thereby made a little lighter.

The passage of this resolution will send these vehicles out to the people who in the first instance purchased them, and will bring to the Treasury large sums of money to relieve in some degree the burdens of taxation under which we suffer. [Applause.]

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. CALDWELL rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CALDWELL. To submit a request for unanimous consent. I ask unanimous consent that I be permitted to speak for three minutes.

The SPEAKER. Is there objection?

Mr. GRAHAM of Illinois. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects; and the Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Secretary of War be, and is hereby, requested to immediately deliver to the Secretary of Agriculture, for distribution among the highway departments of the several States, for use on roads constructed in whole or in part by Federal aid, the 22,195 motor vehicles for which requisition has heretofore been made by the Secretary of Agriculture; and that all other Army motor vehicles now or hereafter declared surplus be immediately offered for sale at public auction to the American people.

Mr. GOODYKOONTZ. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. Goodykoontz: Page 1, line 10, after the word "people," insert: "Provided, That in the States where the highway department has no jurisdiction over the roads and highways within the exterior lines of cities and other municipalities of such States the highway department shall, so far as practicable, assign and set over to such cities or other municipalities an equitable proportion of the motor vehicles delivered to such highway department under the authority given hereunder."

Mr. BLACK. Mr. Speaker, I make the point of order that the gentleman's amendment is not in order. It seeks to change the method of distribution, and the purpose of this resolution is not to change the method of distribution as now authorized by law, but to request the Secretary of War to proceed with the distribution. That amendment would not be germane, because it seeks to direct the action of the State highway commissions, and I think that is a subject over which Congress would have no jurisdiction, in the first place, and certainly is not germane to the resolution, in the next place. For that reason I make the point of order.

Mr. GOODYKOONTZ. Mr. Speaker, my only object is to perfect the resolution. The purpose of the amendment is not intended in any way to be antagonistic to the resolution. In certain of the States the highway commissions have no jurisdiction over municipalities. That is so in my State. Were this resolution to be adopted in its present form, the vehicles assigned to that State would go to territory lying without municipalities, and just at the present time they are the most eager in demanding their proportionate share of these vehicles.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. GOODYKOONTZ. Yes.

Mr. CALDWELL. Does the gentleman understand that this resolution gives anybody any authority to do anything?

Mr. GOODYKOONTZ. Yes; that is the object of it.

Mr. CALDWELL. If the gentleman will read it, he will see that it does not.

Mr. GOODYKOONTZ. The object of the resolution is to vest power in the Government to assign motor vehicles to States for use in highway improvements.

Mr. CALDWELL. If the gentleman will look at the resolution, he will see that it merely declares the sense of the House to be that the Secretary of War should be requested to do something. There is nothing that gives him any authority. The Senate bill (S. 3037) gives him some authority, but the Republican side of the House will not let that come out. The bill is in the Rules Committee, and the Republican Rules Committee is holding it. They are sitting around here talking about doing something.

Mr. GOODYKOONTZ. Mr. Speaker, I yielded for a question, and the gentleman has injected a speech into my remarks. If the resolution grants no authority and merely voices the sentiment of this House, then I wish to supplement the resolution by saying the further sentiment of the House is that the vehicles be distributed in that manner.

The SPEAKER. The Chair is inclined to think that the point of order made by the gentleman from Texas [Mr. BLACK] is well taken, and that this prescribes a duty to the Agriculture Department which is not authorized. The Chair sustains the point of order.

Mr. HARRISON. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. HARRISON: Page 1, line 7, after the word "made," insert "or may hereafter be made"; and after the word "Agriculture," in same line, insert "motor equipment and spare parts"; in line 9, after the word "surplus," insert "not needed by Post Office or Public Health Service"; after the period in line 10 as an additional paragraph insert:

"That the Secretary of War is hereby requested to transfer free of charge to the Department of Agriculture, under the provisions of section 7 of the act approved February 28, 1919, entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes,' for use in the improvement of highways and roads, as therein provided, the following war material, equipment, and supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and not required for military purposes, to wit, road rollers, graders, and rollers; sprinkling wagons; concrete mixers; derricks; pile-driver outfits complete; air and steam drill outfits; centrifugal and diaphragm pumps with power; rock crushers; clamshell and orange-peel buckets; road scarifiers; caterpillar and drag-line excavators; plows; cranes; trailers; rubber and steam hose; asphalt plants; steam shovels; dump wagons; hoisting engines; air-compressor outfits with power; boilers; drag, Fresno, and wheel scrapers; stump pullers; wheelbarrows; screening plants; wagon loaders; blasting machines; hoisting cable; air hose; corrugated metal culverts; explosives and exploders; engineers' transits, levels, tapes, and similar supplies and equipment; drafting machines; planimeters; fabricated bridge materials; industrial railway equipment; conveyors, gravity and power; donkey engines; corrugated metal roofing; steel and iron pipe; wagons and similar equipment and supplies such as are used directly for road-building purposes."

Mr. GRAHAM of Illinois. Mr. Speaker, I make the point of order. In my judgment, the amendment is not germane to the objects sought to be attained in the original resolution. The original resolution extends only to motor vehicles, and this includes a lot of other things that are not motor vehicles and that have no reference at all to motor vehicles. I think the amendment is not germane.

Mr. HARRISON. Mr. Speaker, the object of the resolution is simply to request the Secretary of War to make disposition of certain material that he is authorized to do under a previous statute. This simply extends the request, referring to the same statute, to other articles which are embraced in the statute.

The SPEAKER. The Chair thinks the point of order is obviously well taken. The resolution applies simply to motor vehicles and the gentleman's amendment clearly applies to a great many other vehicles. The Chair sustains the point of order.

Mr. BROWNE. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

Mr. HARRISON. Mr. Speaker, before the amendment of the gentleman from Wisconsin is submitted, will the Chair permit me to suggest that certainly a part of my amendment is not subject to the criticism which has been offered.

The SPEAKER. If any part of it is subject to the point of order, the whole amendment is subject to the point of order. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. BROWNE: Page 1, line 8, strike out lines 8, 9, and 10 and insert in lieu thereof the following: "also all war material, equipment, and supplies not needed for the purpose of the War Department but suitable for use in the improvement of highways. That said motor vehicles and road-building equipment be distributed among the highways departments of the several States, as provided by section 7 of the Post Office appropriation act approved February 28, 1919."

Mr. GRAHAM of Illinois. Mr. Speaker, I make the point of order that it is not germane.

The SPEAKER. The Chair thinks that the amendment offered by the gentleman from Wisconsin is subject to the same

objection as the amendment offered by the gentleman from Virginia [Mr. HARRISON], and the Chair sustains the point of order.

Mr. MOORE of Virginia. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: Page 1, line 7, after the word "agriculture," strike out the words following to the end of the sentence and insert in lieu thereof the following: "and all additional motor vehicles now or hereafter declared surplus which can be used on said roads."

The SPEAKER. The question is on the amendment.

The question was taken, and the Speaker announced the yeas seemed to have it.

Mr. MOORE of Virginia and Mr. CANDLER. Division, Mr. Speaker.

The House again divided; and there were—yeas 46, yeas 78.

Mr. MOORE of Virginia. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Virginia makes the point of order that there is no quorum present, and it is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 113, yeas 157, not voting 162, as follows:

YEAS—113.

Alexander	Connally	Larsen	Robinson, N. C.
Almon	Cramton	Lazaro	Romjue
Aswell	Crisp	Lea, Calif.	Rubey
Ayres	Cullen	Lee, Ga.	Rucker
Babka	Davis, Tenn.	Linthicum	Small
Bankhead	Dent	Loneragan	Smithwick
Bee	Dickinson, Mo.	McClintic	Steagall
Benson	Dominick	McGlennan	Stedman
Bland, Mo.	Donovan	Mann, S. C.	Steele
Bland, Va.	Dupré	Martin	Stevenson
Blanton	Evans, Mont.	Mays	Summers, Tex.
Box	Evans, Nev.	Minahan, N. J.	Taylor, Colo.
Brand	Fisher	Moon	Tillman
Briggs	Gallagher	Moore, Va.	Tipsbaw
Brinson	Gard	Neely	Venable
Browne	Goodwin, Ark.	Nelson, Mo.	Vinson
Brumbaugh	Hardy, Tex.	Newton, Mo.	Watkins
Buchanan	Harrison	O'Connell	Watson, Va.
Byrnes, S. C.	Hastings	Oliver	Weaver
Byrns, Tenn.	Heflin	Overstreet	Welling
Caldwell	Holland	Padgett	Wilson, La.
Candler	Hudspeth	Park	Wilson, Pa.
Caraway	Igoe	Parrish	Wingo
Carss	Jacoway	Pell	Woods, Va.
Clark, Fla.	Johnson, Miss.	Pou	Wright
Clark, Mo.	Jones, Tex.	Quin	Young, Tex.
Cleary	Kitchin	Ralney, Ala.	
Coady	Lanham	Raker	
Collier	Lankford	Ramseyer	

NAYS—157.

Anderson	Focht	Kinkaid	Reber
Andrews, Md.	Foster	Klecza	Reed, W. Va.
Andrews, Nebr.	Freeman	Knutson	Ricketts
Bacharach	French	Kraus	Rose
Baer	Fuller, Mass.	Kreider	Rowe
Barbour	Garrett	Lampert	Sanford
Begg	Glynn	Layton	Schall
Benham	Goodykoontz	Leblach	Scott
Black	Graham, Pa.	Leshner	Sells
Bland, Ind.	Graham, Ill.	Longworth	Shreve
Bowers	Green, Iowa	Lubright	Sinnott
Brooks, Ill.	Greene, Mass.	McArthur	Smith, Idaho
Brooks, Pa.	Greene, Vt.	McFadden	Smith, Ill.
Browning	Hadley	McLaughlin, Mich.	Smith, Mich.
Burdick	Hardy, Colo.	McLaughlin, Nebr.	Steenerson
Burke	Haugen	McPherson	Stephens, Ohio
Burroughs	Hays	MacCrate	Strong, Kans.
Butler	Hernandez	MacGregor	Strong, Pa.
Campbell, Kans.	Hersey	Madden	Summers, Wash.
Cannon	Hickey	Magee	Temple
Chindblom	Hicks	Mapes	Thompson
Christopherson	Hoch	Michener	Tilson
Classon	Houghton	Miller	Timberlake
Cole	Huddleston	Monahan, Wis.	Valle
Copley	Hulings	Moore, Ohio	Vare
Crago	Hull, Iowa	Morgan	Vestal
Currie, Mich.	Hull, Tenn.	Mott	Veit
Curry, Calif.	Humphreys	Mott	Walsh
Dale	Husted	Murphy	Walters
DaHinger	James	Newton, Minn.	Ward
Darrow	Jeffers	Nichols, Mich.	Wason
Dickinson, Iowa	Johnson, Wash.	Nolan	White, Kans.
Dunbar	Jones, Pa.	Osborne	Williams
Echols	Juul	Phelan	Wood, Ind.
Edmonds	Kahn	Platt	Yates
Elliot	Kearns	Purnell	Young, N. Dak.
Elston	Keller	Radcliffe	Zihlman
Emerson	Kelly, Pa.	Ramsey	
Evans, Nebr.	Kiss	Randall, Wis.	
Fairfield	King	Reavis	

NOT VOTING—162.

Ackerman	Blackmon	Cantrill	Costello
Anthony	Boles	Carew	Crowther
Ashbrook	Booher	Carter	Davey
Barkley	Britten	Casey	Davis, Minn.
Bell	Campbell, Pa.	Cooper	Dempsey

Denison	Hayden	Montague	Siegel
Dewalt	Hersman	Mooney	Sims
Dooling	Hill	Moore, Pa.	Sinclair
Doremus	Howard	Moore, Ind.	Sisson
Doughton	Hutchinson	Mudd	Slemp
Dowell	Ireland	Nelson, Wis.	Smith, N. Y.
Drane	Johnson, Ky.	Nicholls, S. C.	Snell
Dunn	Johnson, S. Dak.	O'Connor	Snyder
Dyer	Johnston, N. Y.	Ogden	Stephens, Miss.
Eagan	Kelley, Mich.	Oldfield	Stinnes
Eagle	Kendall	Olney	Stoll
Ellsworth	Kennedy, Iowa	Paige	Sullivan
Esch	Kennedy, R. I.	Parker	Sweet
Ferris	Kettner	Peters	Swope
Fess	Kincheloe	Porter	Tague
Fields	LaGuardia	Rainey, H. T.	Taylor, Ark.
Flood	Langley	Rainey, J. W.	Taylor, Tenn.
Fordney	Little	Randall, Calif.	Thomas
Frear	Luce	Rayburn	Tincher
Fuller, Ill.	Lufkin	Reed, N. Y.	Tinkham
Gallivan	McAndrews	Rhodes	Towler
Gandy	McCulloch	Riddick	Treadway
Ganly	McDuffie	Riordan	Volstead
Garland	McKenzie	Robison, Ky.	Watson, Pa.
Garner	McKeown	Rodenberg	Webb
Godwin, N. C.	McKiniry	Rogers	Webster
Goldfogle	McKinley	Rouse	Welty
Good	McLane	Rowan	Whaley
Goodall	Maher	Sabath	Wheeler
Gould	Major	Sanders, Ind.	White, Me.
Griest	Mann, Ill.	Sanders, La.	Wilson, Ill.
Griffin	Mansfield	Sanders, N. Y.	Winslow
Hamill	Mason	Saunders, Va.	Wise
Hamilton	Mead	Scully	Woodard
Haskell	Merritt	Sears	
Hawley	Mondell	Serwood	

So the amendment was rejected.

The Clerk announced the following additional pairs:
Until further notice:

Mr. COOPER with Mr. WISE.
Mr. CROWTHER with Mr. TAYLOR of Arkansas.
Mr. DENISON with Mr. SULLIVAN.
Mr. ELLSWORTH with Mr. STEPHENS of Mississippi.
Mr. HASKELL with Mr. SHEERWOOD.
Mr. HAWLEY with Mr. OLDFIELD.
Mr. HILL with Mr. MOONEY.
Mr. HUTCHINSON with Mr. MEAD.
Mr. KELLEY of Michigan with Mr. HAMILL.
Mr. KENDALL with Mr. EAGLE.
Mr. McCULLOCH with Mr. BLACKMON.
Mr. MASON with Mr. WHALEY.
Mr. MONDELL with Mr. WEBB.
Mr. MOORE of Pennsylvania with Mr. SIMS.
Mr. PARKER with Mr. OLNEY.
Mr. REED of New York with Mr. MANSFIELD.
Mr. SANDERS of Indiana with Mr. MAJOR.
Mr. SIEGEL with Mr. HOWARD.
Mr. SWEET with Mr. HERSMAN.
Mr. SWOPE with Mr. HAYDEN.
Mr. WATSON of Pennsylvania with Mr. DRANE.
Mr. WEBSTER with Mr. DEWALT.
Mr. WHEELER with Mr. BARKLEY.
Mr. WOODYARD with Mr. O'CONNOR.

The vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will unlock the doors.

Mr. REAVIS. Mr. Speaker, I offer an amendment to the resolution.

The SPEAKER. The gentleman from Nebraska offers a resolution, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REAVIS: After the word "Agriculture," in line 7, insert: "together with the equipment and spare parts which can properly be used with said motor vehicles."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRIGGS. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BRIGGS: Page 1, line 10, after the word "people," strike out the period and add the following: "under such regulations as will offer any citizen the opportunity to purchase one motor vehicle for personal use."

Mr. GRAHAM of Illinois. Mr. Speaker, I make a point of order against the amendment. It does not seem to me to be germane to the resolution. The resolution is simply a request, while this seems to be a mandate, a positive instruction, to the Secretary of War as to how he shall proceed. It does not seem to me it is proper under the circumstances.

Mr. ASWELL. Mr. Speaker, I thought debate had been closed on this subject.

The SPEAKER. The point of order was being stated.

Mr. BRIGGS. Mr. Speaker—

The SPEAKER. The Chair is inclined to think this is in order. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BRIGGS. Division, Mr. Speaker.

The House divided; and there were—ayes 75, noes 87.

So the amendment was rejected.

Mr. HARRISON. Mr. Speaker, I desire to move an amendment. In line 8, after the words "motor vehicles," insert the words "except such as may be necessary for the Post Office Department and the Public Health Service."

The SPEAKER. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HARRISON: Page 1, line 8, after the word "vehicles," insert: "except such as may be necessary for the Post Office Department and for the Public Health Service."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. FULLER of Massachusetts. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FULLER of Massachusetts: Add at the end of the resolution the following language: "and that not more than one such motor vehicle be sold to any person, firm, or corporation."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. FULLER of Massachusetts. Division, Mr. Speaker.

The House divided; and there were—ayes 27, noes 101.

So the amendment was rejected.

The SPEAKER. The question is on agreeing to the resolution.

Mr. CALDWELL. Mr. Speaker, I offer a motion to recommit.

Mr. GRAHAM of Illinois. Mr. Speaker, I demand the yeas and nays.

Mr. CALDWELL. Mr. Speaker—

The SPEAKER. The gentleman from New York offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. CALDWELL moves to recommit the resolution to the Committee on Expenditures in the War Department with instructions to report forthwith as a substitute therefor, Senate bill 3037, passed by the Senate October 22, 1919, which bill corresponds with H. R. 9412, reported by the Committee on Military Affairs October 14, 1919, as follows:

A bill (S. 3037) to authorize the Secretary of War to transfer, free of charge, certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered, in his discretion, to transfer, free of charge, such motor-propelled vehicles and motor equipment, including spare parts, pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes, to (a) the Department of Agriculture, for use in the improvement of highways and roads under the provisions of section 7 of the act approved February 28, 1919, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes"; *Provided, however,* That no more motor-propelled vehicles, motor equipment, and other war material, equipment, and supplies, the transfer of which is authorized in this act, shall be transferred to the Department of Agriculture for the purposes named in section 7 of said act than said Department of Agriculture shall certify can be efficiently used for such purposes within a reasonable time after such transfer; (b) the Post Office Department for use in the transmission of mails; (c) the Navy Department upon the request of the Secretary of the Navy and with the approval of the Secretary of War; and (d) the Treasury Department for the use of the Public Health Service under the provisions of section 3 of the act approved March 3, 1919, entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines."

Sec. 2. That the Secretary of War is also hereby authorized and empowered, in his discretion, to transfer, free of charge, to the Department of Agriculture, under the provisions of section 7 of the act approved February 28, 1919, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes," for use in the improvement of highways and roads, as therein provided, the following war material, equipment, and supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and not required for military purposes, to wit: Road rollers, graders, and oilers; sprinkling wagons; concrete mixers; derricks; pile-driver outfits complete; air and steam drill outfits; centrifugal and diaphragm pumps with power; rock crushers; clamshell and orange-peel buckets, road scarifiers; caterpillar and drag-line excavators; plows; cranes; trailers; rubber and steam hose; asphalt plants; steam shovels; dump wagons; hoisting engines; air-compressor outfits with power; boilers; drag, Fresno, and wheel scrapers; stump pullers; wheelbarrows; screening plants; wagon loaders; blasting machines; hoisting cable; air hose; corrugated-metal culverts; explosives and explosives; engineers' transits, levels, tapes, and similar supplies and equipment; drafting machines; planimeters;

fabricated-bridge materials; wagons and similar equipment and supplies such as are used directly for road-building purposes.

SEC. 3. That the Secretary of War is also hereby authorized and empowered, in his discretion, to transfer, free of charge, to the Department of Agriculture, for the use of the Forest Service, any telephone supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes.

SEC. 4. That freight charges incurred in the transfer of the property provided for in this act shall not be defrayed by the War Department; and if the War Department shall load any of said property for shipment, the expense of said loading shall be reimbursed the War Department by the department to which the property is transferred by an adjustment of the appropriations of the two departments: *Provided, however*, That any State receiving any of said property for use in the improvement of public highways shall, as to the property it receives, reimburse the Department of Agriculture for all amounts paid by that department to the War Department in reimbursement of loading charges upon said property.

SEC. 5. That any State highway department to which is assigned motor-propelled vehicles and other equipment and supplies, transferred hereto to the Department of Agriculture, may, in its discretion, arrange for the use of such vehicles and equipment, for the purpose of constructing or maintaining public highways, with any State agency or municipal corporation at a fair rental, which shall not be less than the cost of maintenance and repair of said vehicles and equipment. The title to said vehicles and equipment shall be and remain vested in the States for use in the improvement of the public highways, and no such vehicles and equipment in serviceable condition shall be sold or the title to same transferred to any individual, company, or corporation.

SEC. 6. That the provisions of the act of July 16, 1914 (38 Stats., p. 454), prohibiting the expenditure of appropriations by any of the executive departments or other Government establishments for the maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles, in the absence of specific statutory authority, shall not apply to vehicles transferred or hereafter to be transferred by the Secretary of War to the Department of Agriculture for the use of the department under the provisions of this act or under the provisions of section 7 of the act of February 28, 1919, referred to in section 1 hereof: *Provided, however*, That nothing in this act contained shall be held or construed to modify, amend, or repeal the provisions of the last proviso under the item entitled "Contingencies of the Army," as contained in the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919.

Mr. ANDERSON. Mr. Speaker, I make the point of order that that motion to recommit by inserting a bill in place of a House resolution would not be in order.

Mr. BLANTON. Mr. Speaker, I make the point of order that the motion to recommit is not germane, either to the legislation under the rule or its subject.

Mr. CALDWELL. Mr. Speaker, I desire to be heard before the Speaker rules.

The SPEAKER. The Chair will hear the gentleman.

Mr. CALDWELL. Mr. Speaker, I have made this motion to recommit in all sincerity. The resolution before the House, as the Speaker will see from the very reading of it, only expresses an opinion. It carries no authority, it gives no power, and if it were passed in the form in which it is before the House to-day we would find ourselves in the very undesirable—

Mr. GRAHAM of Illinois. Mr. Speaker—

Mr. CALDWELL. Mr. Speaker, I am going to discuss this, but I want to lay the predicate.

The SPEAKER. The Chair does not desire the gentleman to discuss the merits of it.

Mr. CALDWELL. I am not going to discuss the merits of it, but the technique of it. I feel I have a right to make a statement of fact.

The SPEAKER. The Chair will say to the gentleman that the gentleman's discussion is entirely in the discretion of the Chair.

Mr. CALDWELL. Yes.

The SPEAKER. It is simply for the purpose of enlightening the Chair as to the point of order, and for no other purpose, and the Chair will be glad to hear the gentleman on that, but will not hear the gentleman on the merits of the proposition.

Mr. CALDWELL. What I wanted to say to the Chair was this, that surely it can not be the idea of the Chair or the Members of this body that we are to devote a whole day to an idle nothing.

The SPEAKER. The Chair refuses to hear the gentleman further.

Mr. ANDERSON. Mr. Speaker, I would like to be heard.

The SPEAKER. The Chair will hear the gentleman from Minnesota.

Mr. ANDERSON. Mr. Speaker, I did not hear the motion to recommit very clearly, but, as I understand it, it proposes to substitute for the proposition suggested by the committee a Senate bill. Now, it clearly can not be germane to a House resolution to propose an amendment inserting the entire text of a Senate bill. I do not even know whether this Senate bill has been reported by the House committee or not. It is clearly not germane to the House proposition.

Mr. MOORE of Virginia. Mr. Speaker, I would like to be heard.

The SPEAKER. The Chair will hear the gentleman from Virginia.

Mr. MOORE of Virginia. Mr. Speaker, as I understand it, the Senate bill, which passed the Senate on the 22d day of October, deals with the subject to which the resolution refers. The resolution makes a request. I have not a copy of the Senate bill before me, but my information is that the Senate bill does not direct, but either requests or perhaps authorizes.

The SPEAKER. Will the gentleman allow the Chair a question?

Mr. MOORE of Virginia. Yes.

The SPEAKER. This is a House resolution. The other is a bill. Does the gentleman think that a House resolution can be amended by substituting a bill?

Mr. MOORE of Virginia. It seems to me, Mr. Speaker, that a bill could be substituted for the House resolution, and it would then have the effect of a House resolution. We might take any statute now on the books and direct that it be substituted for a House resolution, and if it is not broader than the House resolution, then it seems to me it would be competent to substitute that statute for the House resolution.

Mr. ANDERSON. Mr. Speaker, may I make one additional point? A Member of the House has a right to have any proposition upon which he is required to vote read before he votes upon it. This motion to recommit does not set out the Senate bill.

Mr. CALDWELL. Oh, yes, it does. We made the motion before we finished reading.

Mr. CANDLER. It sets out the Senate bill in full.

Mr. REAVIS. Mr. Speaker, I would like to be heard for a moment. I am not entirely familiar with the provisions of the Senate bill, but the purpose underlying that measure was to grant legislation authorizing the Secretary of War to do certain things. The resolution before the House is a resolution requesting him to be obedient to law already enacted. Now, under a resolution asking the Secretary of War to follow the law it certainly is not in order to ask him to do something for which there is no legislative authority. There being no legislative authority, the Senate passed a bill granting the legislative authority. The resolution now before the House is a request to the Secretary of War to do that which the law already authorizes, and in the motion to recommit you have added to that a request to the Secretary of War to do something that the law does not authorize, and it is certainly not in order.

The SPEAKER. The Chair is ready to rule.

Mr. CALDWELL. Mr. Speaker, one moment.

The SPEAKER. The Chair is ready to rule. On the point made by the gentleman from Minnesota [Mr. ANDERSON], that the House resolution, which, of course, has not the force of law, can not be amended by a bill, which has the clause "*Be it enacted, etc.*," which is a law, the Chair at first blush, although it is an involved point, would be inclined to think that the point would be good; but the Chair is inclined to think that the Senate bill, to which reference is made, refers not only to automobile vehicles but to various other articles, and therefore the Chair thinks that clearly makes it subject to a point of order. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. As many as are in favor of the resolution will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 266, nays 0, answered "present" 3, not voting 163, as follows:

YEAS—266.

Alexander	Box	Chindblom	Dickinson, Mo.
Almon	Brand	Christopherson	Dickinson, Iowa
Anderson	Briggs	Clark, Fla.	Dominick
Andrews, Md.	Brinson	Clark, Mo.	Donovan
Andrews, Nebr.	Brooks, Ill.	Classon	Dowell
Anthony	Brooks, Pa.	Cleary	Dunbar
Aswell	Brown	Coady	Dupré
Ayres	Browning	Cole	Dyer
Babka	Brumbaugh	Collier	Eagle
Bacharach	Buchanan	Connally	Edmonds
Baer	Burdick	Copley	Elliott
Bankhead	Burke	Crago	Elston
Barbour	Burroughs	Cramton	Emerson
Bee	Butler	Crisp	Evans, Mont.
Begg	Byrnes, S. C.	Crowther	Evans, Nebr.
Benson	Byrns, Tenn.	Cullen	Evans, Nev.
Black	Caldwell	Currie, Mich.	Fairfield
Bland, Ind.	Campbell, Kans.	Curry, Calif.	Fisher
Bland, Mo.	Candler	Dale	Foelt
Bland, Va.	Cannon	Dallinger	Foster
Blanton	Caraway	Darrow	French
Bowers	Carrs	Davis, Tenn.	Fuller, Mass.

Gallagher	Kinkaid	Murphy	Smithwick
Gard	Kitchin	Neely	Steagall
Garrett	Kleczka	Nelson, Mo.	Stedman
Glynn	Knutson	Newton, Minn.	Steenerson
Goodwin, Ark.	Kraus	Newton, Mo.	Stephens, Ohio
Goodykoontz	Lampert	Nichols, Mich.	Stevenson
Graham, Pa.	Lanham	No an	Strong, Kans.
Graham, Ill.	Lankford	O'Connell	Strong, Pa.
Green, Iowa	Larsen	O'Connor	Summers, Wash.
Greene, Mass.	Layton	Oldfield	Taylor, Colo.
Greene, Vt.	Lazaro	Oliver	Temple
Hadley	Lea, Calif.	Osborne	Thompson
Hardy, Colo.	Lee, Ga.	Overstreet	Tillman
Hardy, Tex.	Lehlbach	Padgett	Tilson
Hastings	Leshner	Park	Timberlake
Hays	Linthicum	Parrish	Upshaw
Heflin	Longman	Pell	Valle
Hernandez	Longworth	Phelan	Vare
Hersey	Luhning	Platt	Venable
Hersman	McClinton	Pou	Vestal
Hickey	McFadden	Purnell	Vinson
Hicks	McGlennon	Quin	Volstead
Hoch	McLaughlin, Mich.	Radeliffe	Walsh
Holland	McPherson	Rainey, Ala.	Walters
Houghton	MacCrate	Raker	Ward
Howard	MacGregor	Ramseyer	Wason
Huddleston	Madden	Randall, Calif.	Watkins
Hudspeth	Magee	Randall, Wis.	Watson, Va.
Hu'l, Tenn.	Mann, S. C.	Reavis	Weaver
Humphreys	Mansfield	Reed, W. Va.	Welling
Husted	Mapes	Rhodes	Wheeler
Igoe	Martin	Ricketts	White, Kans.
Jacoway	Mays	Robinson, N. C.	Williams
James	Michener	Romjue	Wilson, La.
Jeffers	Miller	Rose	Wilson, Pa.
Johnson, Miss.	Minahan, N. J.	Rowe	Wingo
Johnson, Wash.	Monahan, Wis.	Rubey	Wood, Ind.
Jones, Pa.	Mondell	Sanford	Woods, Va.
Juul	Moon	Schall	Wright
Kahn	Moore, Ohio	Sells	Yates
Kearns	Moore, Va.	Sinnott	Young, N. Dak.
Keller	Morgan	Small	Young, Tex.
Kelly, Pa.	Morin	Smith, Idaho	Zibelman
Kiess	Mott	Smith, Ill.	
King		Smith, Mich.	

ANSWERED "PRESENT"—3.

Dent	Harrison	Sears
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NOT VOTING—163.

Ackerman	Garland	McKeown	Saunders, Va.
Ashbrook	Garner	McKiniry	Scott
Barkley	Goodwin, N. C.	McKinley	Scully
Bell	Goldfogle	McLane	Sherwood
Benham	Good	McLaughlin, Nebr.	Shreve
Blackmon	Goodall	Maher	Siegel
Boles	Gould	Mann, Ill.	Sims
Booher	Griest	Mason	Sinclair
Britten	Griffin	Mead	Sisson
Campbell, Pa.	Hamill	Merritt	Slamp
Cantrill	Hamilton	Montague	Smith, N. Y.
Carew	Haskell	Mooney	Snell
Carter	Haugen	Moore, Pa.	Snyder
Casey	Hawley	Moore, Ind.	Steele
Cooper	Hayden	Mudd	Stephens, Miss.
Costello	Hill	Nelson, Wis.	Stiness
Davey	Hulings	Nicholls, S. C.	Stoll
Davis, Minn.	Hull, Iowa	Ogden	Sullivan
Dempsey	Hutchinson	Olney	Summers, Tex.
Denison	Ireland	Paige	Sweet
Dewalt	Johnson, Ky.	Parker	Swope
Dooling	Johnson, S. Dak.	Peters	Tague
Doremus	Johnson, N. Y.	Porter	Taylor, Ark.
Doughton	Jones, Tex.	Rainey, H. T.	Taylor, Tenn.
Drane	Kelley, Mich.	Rainey, J. W.	Thomas
Dunn	Kendall	Ramsey	Tincher
Eagan	Kennedy, Iowa	Rayburn	Tinkham
Echols	Kennedy, R. I.	Reber	Towner
Ellsworth	Kettner	Reed, N. Y.	Treadway
Esch	Kincheloe	Riddick	Voigt
Ferris	Kreider	Riordan	Watson, Pa.
Fess	LaGuardia	Robison, Ky.	Webb
Fields	Langley	Rodenberg	Webster
Flood	Little	Rogers	Welty
Fordney	Luce	Rouse	Whaley
Frear	Lufkin	Rowan	White, Me.
Freeman	McAndrews	Rucker	Wilson, Ill.
Fuller, Ill.	McArthur	Sabath	Winslow
Gallivan	McClulloch	Sanders, Ind.	Wise
Gandy	McTuffie	Sanders, La.	Woodyard
Ganly	McKenzie	Sanders, N. Y.	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. STINESS with Mr. STEPHENS of Mississippi.

Mr. MERRITT with Mr. WEBB.

Mr. REED of New York with Mr. BARKLEY.

Mr. WOODYARD with Mr. WISE.

Mr. SHREVE with Mr. SHERWOOD.

Mr. SLEMP with Mr. STEELE.

Mr. HULINGS with Mr. RUCKEL.

Mr. HULL of Iowa with Mr. JONES of Texas.

Mr. KREIDER with Mr. DEWALT.

Mr. KENDALL with Mr. HAMILL.

Mr. BENHAM. I would like to vote "aye."

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. BENHAM. I was not.

The SPEAKER. The gentleman can not be recorded.

Mr. JONES of Texas. I would like to vote.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. JONES of Texas. I was not listening.

The SPEAKER. The gentleman can not be recorded.

The result of the vote was announced as above recorded.

DEATH OF CAPT. WILLIAM MAX LONG.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. CANDLER. Mr. Speaker, I am grateful to you and the House because you pause in our proceedings and permit me to announce that on Monday morning, November 3, 1919, at 8 o'clock, Capt. W. Max Long, familiarly called by his many friends "Cap." Long, who was on the old soldiers' roll and was doorkeeper at that door up there in the gallery of the House of Representatives, departed this life, being 75 years of age on October 28, 1919. He came here from Greencastle, Pa., and was with Speaker Samuel J. Randall, of Pennsylvania, while he was Speaker of the House of Representatives, and has been practically continuously in the Government service from that day until the day of his death. Speaker Randall, after his speakership expired, first secured him a place in the Coast and Geodetic Survey, where he remained for several years. After ex-Speaker Randall's death Capt. Long went out of the service of the Geodetic Survey, and Mrs. Randall took such an interest in him that she, through her efforts and influence, secured him a place, as I am informed, in the Supervising Architect's Office in the Treasury Department. He remained there until he obtained a position on the old soldiers' roll a few years ago as a doorkeeper of this House and served here until his death. He never tired talking about Speaker Randall and Mrs. Randall. They had been good to him, and one strong and very commendable characteristic of his nature was "gratitude." If you ever did him a kindness, he never forgot it. My wife and I attended his funeral this morning. He had been kind to us. His comrades on the old soldiers' roll attended the funeral at his residence, 325 First Street SE., in a body and acted as his pallbearers. A large concourse of people were present and offerings of flowers in great abundance were sent by sympathetic and sorrowing friends as an evidence of their high esteem. His casket was wrapped in the beautiful folds of the United States flag—the flag he loved and beneath which he had fought in the sixties.

The funeral services were conducted by Rev. Freely Rohrer, pastor of the Metropolitan Presbyterian Church, Fourth and B Streets SE., which were most beautiful and impressive. It was in this church that Capt. Long was married to Miss Virginia Tibbett, on November 25, 1868. She had gone before him many years ago and was waiting for him on the "other shore." He was laid to rest in beautiful Arlington National Cemetery, and the remains of his wife were removed and reinterred there beside him. He left surviving two sons and two daughters. His oldest daughter, Miss Mattie Long, lived with him and cared for him in life and tenderly nursed him unto death. His last words were spoken to her. He said, "The end is near. I am so happy. I am going to sleep now." And he entered peaceful sleep and without a struggle passed out into the "great beyond."

He possessed many admirable traits of character. He was noble, generous, kind, and big hearted. He was a true friend, devoted, thoughtful, and attentive to those who even in the smallest sense showed him a courtesy or a kindness. A good man, a splendid citizen, an elegant gentleman, and a faithful public servant has gone. In his going away there is a feeling of sadness in many hearts in the great Capital City of Washington among those who knew him and enjoyed his acquaintance and good fellowship. He was my friend, faithful and true, and I, with them, am sad to-day. Peace to his ashes and rest to his soul. May God bless and comfort his loved ones, who will be lonely without father.

BRIDGE ACROSS TENNESSEE RIVER AT DECATUR, ALA.

Mr. ALMON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10208, to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of H. R. 10208, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Limestone-Morgan Bridge Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a highway and interurban railway bridge and approaches thereto across the Tennessee River at or near the city of Decatur, Ala., at a point suitable to the interest of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided, however,* That reasonable rates of toll may be charged and received for passage over said bridge, no rates for the passage of a single passenger on an interurban train to exceed 25 cents.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 9 insert the word "interests" in lieu of the word "interest."
In line 12, after the word "That," insert the following words:
"subject to the provisions of said act."

In line 13, after the word "bridge" and the comma, insert the word "but."

In line 1, page 2, after the word "no," insert the word "charge," and strike out the word "rates."

In line 2, page 2, after the word "train," insert the word "shall," and strike out the word "to."

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALMON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE COAL MINERS' STRIKE.

Mr. CURRIE of Michigan. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. CURRIE of Michigan. Mr. Speaker and gentlemen of the House, a great many coal mines of Michigan are located in the congressional district which I have the honor to represent. On Tuesday of this week, after consultation with the Department of Justice as to the advisability of taking this action, I issued an open letter to the striking coal miners of my congressional district. This letter was given out yesterday for publication. I rise for the purpose of asking unanimous consent to extend my remarks in the Record by inserting a copy of that letter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BLANTON. Reserving the right to object, the gentleman from Michigan could not write any letter except one of the right sort, and therefore I will not object. [Laughter and applause.]

The SPEAKER. Is there objection?

There was no objection.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., November 4, 1919.

An open letter to the coal miners of Bay County, Mich.

As your Representative in Congress, prompted by a sense of duty, and after conference with the Department of Justice, I appeal to your patriotism to heed the call of your Government and return to work.

Your controversy is no longer with the mine operators. The President of the United States has declared the coal strike "unjustifiable and unlawful." Congress by a unanimous vote has pledged every resource of the Government to meet the present industrial emergency and to vindicate the majesty and power of the Government. The conspiracy of your leaders will be reviewed and passed upon by the courts. Your conduct will be judged by public opinion everywhere.

Apparently, you have entered upon this strike by reason of your affiliation with the United Mine Workers of America and not because of any serious grievance against your operators. You have had little, if anything, to do with bringing about this strike. The responsibility, nevertheless, now devolves upon you to decide whether you will support the Government which protects you and your families from aggression—or will you follow arrogant, un-American leaders who, in order to enforce their demands, are willing to paralyze transportation and industry and impose cold, hunger, and even death upon countless thousands of innocent people?

Your Government expects, and the public interest demands, that your allegiance and loyalty to the Government be acknowledged as greater than your obligation to the United Mine Workers of America or any other organization. Are you with the Government or against it? The opportunity is yours to win the confidence and respect of your fellow men by returning to duty and disavowing the dangerous leadership of those who have already brought your organization into public contempt. Your duty is clear. Show others the right course. You constitute the vast majority of Michigan coal miners, and I am honored to be your Representative in Congress. I cherish the hope that by your prompt action the Government may be advised of your return to duty and that you will not await the collapse of the strike which must inevitably come if free government is to survive.

GILBERT A. CURRIE,
Member of Congress, Tenth District, Michigan.

SETTING ASIDE PUBLIC LANDS FOR SANITARIUMS, ETC.

Mr. RAKER. Mr. Speaker, by direction of the Committee on the Public Lands I ask unanimous consent to file an amended or supplemental report on the bill H. R. 1125, on the Union Calendar.

The SPEAKER. The gentleman from California asks unanimous consent to file a supplemental report on behalf of the Committee on the Public Lands. Is there objection?

Mr. CRAMTON. Reserving the right to object, will the gentleman indicate something as to the circumstances under which such a request becomes necessary? Has the committee taken further action?

Mr. RAKER. It has, and gone over the matter fully.

Mr. CRAMTON. Is there no limit of time?

Mr. RAKER. I will file it to-morrow.

Mr. WALSH. Reserving the right to object, what is the bill about?

Mr. RAKER. It authorizes the Secretary of the Interior to set aside certain public lands to be used as national sanitariums by fraternal or benevolent organizations.

Mr. CRAMTON. Reserving the right to object, having studied the bill somewhat, I have had difficulty in determining what it means, and I am glad to know that it has had further consideration from the committee, and I hope it has been improved.

Mr. WALSH. Mr. Speaker, reserving the right to object, in view of the statement of the gentleman from Michigan [Mr. CRAMTON], of course, we will enact the bill and not the report. I understand the gentleman from California [Mr. RAKER] wants to file a supplemental report.

Mr. RAKER. Yes.

Mr. WALSH. The bill has not been amended in any way?

Mr. RAKER. No.

Mr. WALSH. The gentleman is attempting to explain the provisions of the bill?

Mr. RAKER. That will be one of the efforts.

Mr. WALSH. I trust the gentleman may be able to do so.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. MacGREGOR. I ask unanimous consent to extend and revise my remarks made this afternoon.

The SPEAKER. The gentleman from New York asks unanimous consent to revise and extend his remarks in the Record, made this afternoon. Is there objection?

There was no objection.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record upon the conditions of unrest.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, are the remarks of the gentleman from Nebraska his or are they to be interpolations from some one else?

Mr. KINKAID. They will be my own remarks, and I desire to make some quotations.

Mr. BLANTON. May I ask the gentleman what quotations?

Mr. KINKAID. From constituents or a constituent.

Mr. BLANTON. In Nebraska?

Mr. KINKAID. Yes.

Mr. BLANTON. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

HOOR OF MEETING TO-MORROW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. I make this request because of the fact that we expect to take up an important bill from the Committee on the Merchant Marine and Fisheries, and I think we should have a good long time in which to discuss it.

Mr. CANDLER. Mr. Speaker, reserving the right to object, to-morrow is claims day, and at the last claims day a bill had reached a point where the previous question had been ordered upon it. Is not that bill in order the first thing to-morrow under the rules of the House?

Mr. WINGO. If my friend will permit me, under the rules under which we are operating the Edge bill is the continuing order of the House.

Mr. KITCHIN. Mr. Speaker, reserving the right to object, I would like to know what the gentleman proposes to do with the Edge bill, which members of the committee convinced me was one of the most important bills ever introduced into the House.

Mr. MONDELL. We expect to pass it before the end of the week. We hope to pass both these bills, and if we can meet a little earlier we can do so.

Mr. KITCHIN. I would remind the gentleman of how hopeful he is. Does the gentleman really believe we can pass the Edge bill to-morrow?

Mr. MONDELL. I think it is highly important that we take up this other bill, and I am in hopes that we can dispose of them both before the end of the week.

Mr. PHELAN. Mr. Speaker, I reserve the right to object.

Mr. KITCHIN. I think it is about time that this House began to do some real work, and if the gentleman is going to meet early for the purpose of doing real work, I would not object to his even meeting at 10 o'clock in the morning.

Mr. PHELAN. Mr. Speaker, reserving the right to object, I would ask the gentleman from Wyoming why so important a bill as the Edge bill should be shunted about as it has been shunted about?

Mr. MONDELL. I do not think it has been shunted about. We are anxious to have the bill pass—

Mr. KING. Or disposed of.

Mr. MONDELL. Or disposed of. I think it is important that we enter upon the debate of this other measure. It is a matter of great national importance. I think we can dispose of both bills in the next two days by meeting at 11 o'clock.

Mr. BLANTON. Mr. Speaker, reserving the right to object, since the intimidation of the gentleman from Ohio [Mr. Bage] yesterday, I would be afraid to object.

Mr. CANDLER. Could the gentleman from Wyoming not give us a little time in the morning in which to pass these few claims bills that have already passed the Committee of the Whole?

Mr. MONDELL. So far as I am concerned, I am willing to have them passed.

Mr. WALSH. Oh, if we are going to meet at 11 o'clock to pass claims bills, I shall object.

Mr. CANDLER. These have been reported to the House from the committee. I am not going to object to the request of the gentleman from Wyoming.

Mr. HASTINGS. What is the bill the gentleman from Wyoming wants to take up in the morning?

Mr. MONDELL. It is a bill from the Committee on the Merchant Marine and Fisheries to provide for the promotion and maintenance of the American merchant marine.

Mr. GARRETT. Does the gentleman expect that to be taken up in the morning?

Mr. MONDELL. That is the expectation.

Mr. GARRETT. Oh, I do not know about that.

Mr. MONDELL. Of course, if the House does not want to take up that bill in the morning it can take up some other bill.

Mr. GARRETT. The request which came to the Committee on Rules on that matter was that there would be a resolution that would follow the Edge bill, making the bill from the Committee on the Merchant Marine and Fisheries in order and certainly—

Mr. MONDELL. I am anticipating such a rule—

Mr. GARRETT. To follow the Edge bill.

Mr. MONDELL. That was not my thought. I am rather inclined to the opinion that we ought to begin to-morrow on the other bill, and I hope to pass both of them this week.

Mr. KITCHIN. How long does the gentleman really think it will take to pass the bill from the Committee on the Merchant Marine and Fisheries?

Mr. MONDELL. I think we can pass the two bills this week.

Mr. KITCHIN. Is the bill from the Committee on the Merchant Marine and Fisheries a very important bill?

Mr. MONDELL. I think it is. It is unanimously reported by the committee, so it ought not to take a very great length of time.

Mr. KITCHIN. Not to pass an important bill it ought not? I imagine if it is a very important bill it will take more than a day or two days to consider it.

Mr. GREEN of Iowa. The more necessity for meeting earlier.

Mr. CAMPBELL of Kansas. Mr. Speaker, this morning the chairman of the Committee on the Merchant Marine and Fisheries appeared before the Committee on Rules. Also the chairman of the committee investigating expenditures in the War Department. Rules were asked for by both of those chairmen. The announcement was made to the committee that it had been arranged to complete the consideration of the Edge bill, and at the conclusion of the consideration of that bill a resolution from the Committee on Expenditures in the War Department would be asked for, and at the conclusion of the consideration of that resolution that the bill from the Merchant Marine and Fisheries would be asked to be considered. That statement being made, I ask the members of the Committee on

Rules to meet at 11.30 to-morrow for the consideration of the resolution from the Committee on Expenditures in the War Department and for the bill reported by the Committee on the Merchant Marine and Fisheries.

Mr. MONDELL. I do not know who may have given the order in which these measures were to have been taken up. It was our hope that we could get through with the business to-day a little earlier so as to make some progress on the Edge bill to-day. That has not been possible, but the promise has been made to the Committee on the Merchant Marine and Fisheries for a long time, that when they reported this very important measure they would be given an opportunity to get on the floor at once, and I think that if we can meet at 11 o'clock to-morrow morning we can dispose of both of these bills this week.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LONGWORTH. The statement of the chairman of the Committee on Rules would seem to make such a course impossible. The committee is not to meet to consider the resolution until 11.30. Would the gentleman have an earlier date for the meeting?

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

Mr. MONDELL. If the Committee on Rules can not meet—

Mr. BLANTON. Mr. Speaker, I withdraw it.

Mr. MONDELL. I made that suggestion because it seemed to be a wise procedure, and, whichever bill we take up to-morrow morning, we ought to meet at 11 o'clock.

Mr. KITCHIN. Mr. Speaker, reserving the right to object again, I think as you gentlemen over there seem to be at cross purposes and confused about this matter and do not know which bill to take up, I suggest—I am not going to object—but I suggest that the majority leader wire to-night to Mr. Will Hays and find out exactly what is the wisest thing to do. [Laughter on the Democratic side.]

Mr. WALSH. Mr. Speaker, reserving the right to object, I desire to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. If the House meets at 11 o'clock to-morrow morning in the absence of any special rule, what will be in order after the reading of the Journal?

The SPEAKER. There is already a special rule pending. The Chair would recognize to-morrow, if no other rule came in, the gentleman from New York [Mr. PLATT].

Mr. BURKE. Mr. Speaker, reserving the right to object, I ask unanimous consent to address the House for 15 minutes to-morrow after the reading of the Journal.

Mr. BLANTON. I object, Mr. Speaker.

Mr. BURKE. Sure; that is a safe bet.

The SPEAKER. The gentleman from Texas [Mr. BLANTON] objects. Is there objection to the request of the gentleman from Wyoming?

Mr. MADDEN. Regular order, Mr. Speaker.

Mr. WINGO. Mr. Speaker, I think, in view of the statement of the chairman of the Committee on Rules, the program is unsettled. The majority is responsible for it, and I think we ought to give them a chance to get together, and possibly they can do it by noon to-morrow. Therefore I object.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 11 minutes p. m.) the House adjourned until to-morrow, Friday, November 7, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of Commerce submitting supplemental estimate of appropriations required by the Lighthouse Service for the fiscal year 1920 (H. Doc. No. 292), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GREENE of Massachusetts, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 10378) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and

use of property acquired thereunder, and for other purposes, reported the same without amendment, accompanied by a report (No. 443), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 7534) granting an increase of pension to John J. Russell, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOWARD: A bill (H. R. 10401) to amend section 14 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906; to the Committee on Indian Affairs.

By Mr. CLASSON: A bill (H. R. 10402) authorizing the Secretary of War to grant permission to the municipal authorities of Little Chute, Wis., to construct, maintain, and operate sewers on certain Government property and under the United States canal at Little Chute, Wis.; to the Committee on Interstate and Foreign Commerce.

By Mr. McFADDEN: A bill (H. R. 10403) to encourage bank deposits by nonresident foreign corporations and nonresident alien individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: A bill (H. R. 10404) to amend sections 4, 8, and 10 of the act of June 29, 1906, as amended, relating to naturalization, to provide a division of patrol guard in the Bureau of Immigration, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: A bill (H. R. 10405) to authorize the acquisition of a site and the erection of a Federal building at Savannah, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10406) to revive the right of action under the act of March 12, 1863; to the Committee on the Judiciary.

Also, a bill (H. R. 10407) for the erection of a public building at Waynesboro, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 10408) prescribing postage rates on aeroplane mail; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Mississippi: A bill (H. R. 10409) for the enlargement, extension, and improvement of the post-office building at Hattiesburg, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10410) providing for the purchase of a site and the erection of a public building thereon at Pascagoula, Jackson County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. HICKS: A bill (H. R. 10411) authorizing the Secretary of the Navy to loan material to educational institutions; to the Committee on Naval Affairs.

By Mr. GREENE of Massachusetts: Resolution (H. Res. 375) to provide for the immediate consideration of House bill 10378; to the Committee on Rules.

By Mr. MADDEN: Resolution (H. Res. 376) to provide for the immediate consideration of Senate bill 2867; to the Committee on Rules.

By Mr. GRAHAM of Illinois: Resolution (H. Res. 377) to provide for the immediate consideration of the report filed by the Select Committee on Expenditures in the War Department; to the Committee on Rules.

By Mr. BURKE: Joint resolution (H. J. Res. 245) authorizing the President to take over and operate the coal mines for one year, and for other purposes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 10412) granting an increase of pension to Clara A. Harlow; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 10413) for the relief of John W. Adair; to the Committee on Claims.

Also, a bill (H. R. 10414) for the relief of Charles E. Hunter; to the Committee on Claims.

Also, a bill (H. R. 10415) granting a pension to Edward C. Wait; to the Committee on Pensions.

By Mr. HUDSPETH: A bill (H. R. 10416) for the relief of Mrs. Casimira Mendoza; to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 10417) for the relief of the widow and minor children of Pvt. Pillow Rich, deceased; to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 10418) granting a pension to Angelia Meredith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10419) granting a pension to Louise E. Dodds; to the Committee on Pensions.

By Mr. REED of West Virginia: A bill (H. R. 10420) granting a pension to Joseph D. Blackwell; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 10421) granting an increase of pension to John C. Goodin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10422) granting a pension to Adelia Mae Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10423) granting a pension to Dona Lloyd; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 10424) granting a pension to Israel Boyer, alias George Johnson; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 10425) granting a pension to Oscar W. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10426) granting a pension to Amanda E. Buck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10427) granting a pension to Mary Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10428) granting a pension to Hull Itskin; to the Committee on Pensions.

Also, a bill (H. R. 10429) granting a pension to Bert M. Dorton; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Rev. Theo Sigman and 400 others of Philadelphia, Pa., urging that the preamble of the National Constitution be amended; to the Committee on the Judiciary.

Also (by request), petition of the National Federation of Construction Industries in relation to the construction industry; to the Committee on Ways and Means.

Also (by request), petition of the National Federation of Construction Industries relative to Senate bill 2094; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of Pere Marquette Council, of South Boston, Mass., opposing the Military Establishment taking over the welfare work in the training camps; to the Committee on Military Affairs.

By Mr. HARRISON: Petition of farmers and business men of Winchester, Va., pledging allegiance and support to the Government; to the Committee on the Judiciary.

By Mr. McGLENNON: Petition of General Custer Council, No. 130, of Newark, N. J., opposing league of nations and urging that Congress set aside the consideration of the same in order to give attention to the more important domestic affairs confronting the country at the present time; to the Committee on Foreign Affairs.

Also, petition of General Putnam Council, No. 137, of Newark, N. J., favoring the setting aside of the consideration of the league of nations until domestic matters of importance are disposed of and favoring ratification of the treaty by a referendum vote of the people; to the Committee on Foreign Affairs.

Also, petition of Lithuanian organization of Newark, N. J., concerning Lithuanian affairs; to the Committee on Foreign Affairs.

By Mr. MONAHAN of Wisconsin: Petition of Harvey Post, No. 45, Department of Wisconsin, Grand Army of the Republic, of Darlington, Wis., requesting immediate passage of the pending Fuller pension bill, House bill 8496; to the Committee on Invalid Pensions.

By Mr. SCHALL: Petition of City Council of Minneapolis, Minn., requesting Congress to fix profits on sugar and effect equitable distribution; to the Committee on Agriculture.

By Mr. VARE: Petition of Philadelphia Board of Trade, asking for the passage of the Edge bill, Senate bill 2472; to the Committee on Banking and Currency.